University of Oklahoma College of Law
University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

12-19-1883

Message from the President of the United States, transmitting a communication from the Secretary of War of December 14, 1883, respecting abandoned military reservations, and renewing recommendation for such legislation as will provide for the disposal of military sites that are no longer needed

Follow this and additional works at: https://digitalcommons.law.ou.edu/indianserialset

Part of the Indian and Aboriginal Law Commons

Recommended Citation
S. Exec. Doc. No. 25, 48th Cong., 1st Sess. (1883)

This Senate Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

48TH CONGRESS, 1st Session. | SENATE. | Ex. Doc. No. 25.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A communication from the Secretary of War of December 14, 1883, respecting abandoned military reservations, and renewing recommendation for such legislation as will provide for the disposal of military sites that are no longer needed.

DECEMBER 19, 1883.—Read and referred to the Committee on Military Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication from the Secretary of War, dated December 14, 1883, upon the subject of abandoned military reservations, and renewing his former recommendation for such legislation as will provide for the disposal of military sites that are no longer needed for military purposes.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
December 19, 1883.

WAR DEPARTMENT,
Washington, December 14, 1883.

SIR: I have the honor to inclose herewith, with request for their transmission to Congress, a communication from the Lieutenant-General of the Army, of the 10th instant, and its accompanying papers, upon the subject of abandoned military reservations.

The communication referred to, in conjunction with Department letter of December 18, 1882, and its accompanying papers, published as Senate Executive Document No. 20, Forty-seventh Congress, second session, copy herewith, gives a statement of the military reservations no longer needed for military purposes, and shows also their present status.

In view of the importance of this subject and of the benefits that will unquestionably accrue to the Government from such legislation, I again recommend that Congress grant authority to dispose of the reservations reported as no longer needed for military purposes, and that a general law be passed authorizing the Secretary of War to transfer such military sites as may hereafter become useless for military purposes to the custody of the Secretary of the Interior for sale to the highest bidder, after appraisement, or for disposition under the general land laws, or

such other disposition as may be deemed to be for the best interests of the United States.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

The PRESIDENT.

ADJUTANT-GENERAL'S OFFICE,
Washington, December 3, 1883.

SIR: I have the honor to invite your attention to the subject of abandoned military reservations, which was brought to the attention of Congress at its last session by the President's message of December 19, 1882, published in Senate Ex. Doc. No. 20, Forty-seventh Congress, second session, copy herewith.

Since my report to the Secretary of War of December 15, 1882, published in the above-mentioned document, no authority appears to have been granted by Congress for the disposition of any of the reservations therein referred to.

Pending consideration of the sundry civil appropriation bill (1883–'84) in the House of Representatives at the last session of Congress, an amendment, originally proposed by the Committee on Military Affairs, was adopted (after amendment) directing—

> That all lands reserved for military purposes which, in the opinion of the President, may be no longer desirable for such purposes, or so much thereof as he may designate, shall be placed under the control of the Secretary of the Interior, to be disposed of: *Provided*, &c.—

but the measure failed to become a law.

At present, so far as known to the Department, no law exists under which military reservations declared by the President, although abandoned and entirely useless for military purposes, can be transferred and relinquished to the Interior Department, except reservations in Florida set apart prior to August 18, 1856 (11 Stat., p. 87).

If some measure similar to the amendment hereinbefore mentioned could be adopted by Congress, it would relieve this Department of the expense and annoyance incident to the custody of abandoned reservations, the number of which is increasing from year to year, and which can only be cared for after the withdrawal of the garrisons by a special detail of troops or the employment of civilian agents.

As a temporary expedient for the future, the Secretary of the Interior, at the suggestion of this Department, has instructed the Commissioner of the General Land Office to extend his protection over such abandoned reservations as may be reported from time to time by the War Department. This protection has special reference to reservations upon which there is valuable timber, subject to depredations upon withdrawal of the military force. (*Vide* copy of correspondence herewith.)

Many of the reservations included in the list published in Senate Ex. Doc. No. 20, herewith, have been abandoned for over ten years, and have been repeatedly reported to Congress without securing the desired legislation.

I have also the honor to report, in obedience to the Secretary of War's instructions, that the following military reservations are no longer oc-

cupied by troops, with a view, if you think it advisable to do so, of bringing them to the attention of Congress during the present session:

PAGOSA SPRINGS, COLO. (OLD FORT LEWIS).

This reservation was declared by the President's order of January 28, 1879, "for the post of Port Lewis, near Pagosa Springs, Colorado," authorized by act of Congress approved March 3, 1879, and its boundaries inclose an area of 6 miles square, *excluding*, however, at the request of the Interior Department, the town-site reserve of Pagosa Springs, one square mile in extent, and declared by the President's order of May 22, 1877, within its boundaries. This leaves the area of the military reservation 35 square miles, or 22,400 acres.

In view of a change of arrangements regarding the location of the Ute Indians, it was decided to build the permanent post further west, and a site was finally selected on the Rio de la Plata, where the post has been established and designated "Fort Lewis."

A cantonment was established in 1878 at the former site, and the designation was subsequently changed to "Pagosa Springs"; the buildings, however, were erected on the town-site instead of on the military reservation.

April 25, 1882, the Secretary of War, upon recommendation of the division commander (Lieutenant-General Sheridan) authorized the withdrawal of the troops from Pagosa Springs, the disposition of the Government property, and directed that the reservation be reported for the action of Congress.

The abandonment of the post was reported by the division commander May 22, 1882.

A bill (S. 1756) "to authorize the Secretary of the Interior to dispose of the military reservation at Fort Lewis, in the State of Colorado, and for other purposes," having reference to the Pagosa Springs military reservation, was introduced at the first session Forty-seventh Congress, and in response to inquiry of Senator Hawley, of the Senate Committee on Military Affairs, the Secretary of War, in letter of June 13, 1882, reported his instructions of April 25, 1882, herein recited, and as the reservation was no longer required for military purposes, recommended the passage of the bill.

No final action appears to have been taken by Congress in the matter.

Under date of November 15, 1882, the Secretary of War, upon recommendation of the General of the Army, directed the absolute abandonment of the site, and that the buildings there be dismantled and the material removed to Fort Lewis, of which Pagosa Springs had been a sub-post.

The action in regard to removal of the buildings was suspended (as set forth in the last paragraph of my report of December 15, 1882), and their disposition having been left to the discretion of the division commander, he subsequently accepted a pending offer from a citizen to give, in exchange for the buildings in question, an equal number of doors, windows, &c., delivered at Durango, ready for shipment to Fort Lewis.

CAMP ON WHITE RIVER, COLO.

This post was established October 11, 1879, and is located on the north bank of the White River, about 4 miles above the agency ground, where the massacre of Agent Meeker, &c., occurred, which formed the

opening scene of the Ute war of 1879, 149 miles south of Rawlins, on the Union Pacific Railroad.

A military reservation was declared for this post, with the assent of the Interior Department, by the President's order of April 26, 1881, embracing an area of sixty four square miles, being a tract 8 miles square, with the flag-staff as a center, and its boundaries lying respectively east and west, and north and south.

Under date of April 6, 1883, the Secretary of War, concurring in the opinion of the General of the Army that the post should be vacated, as the Utes had been removed to the west, and provision made for other posts, directed that after the withdrawal of the troops the reservation be included among those to be reported to Congress as no longer needed for military purposes.

By letter of April 13, 1883, from this office, the commanding general Department of the Missouri was advised of this action, and by orders of June 16, 1883, from department headquarters, the camp was directed to be broken up and discontinued as soon as possible. The troops were withdrawn July 12, 1883, and the buildings were subsequently ordered to be sold upon recommendation of the division commander, of the approval of which he was advised by letter of July 20, 1883, from this office.

In this connection it is remarked that the camp, together with the military reservation, is within the limits of the late Confederated Ute Indian Reservation, set apart pursuant to treaty March 2, 1868 (15 Stat., 619), act approved April 29, 1874 (18 Stat., 36), and executive order of November 22, 1875. The acting Commissioner of the General Land Office having requested in October, 1882, to be advised of the *status* of this military reservation in view of the act of Congress approved July 28, 1882, which declared all that part of the Ute Indian Reservation lately occupied by the Uncompahgre and White River Utes to be public lands, and subject to disposal under section 3, act approved June 15, 1880 (for the benefit of the Indians), he was advised by War Department letter of November 18, 1882, that the reservation should be considered as a military reservation "until the attention of Congress is invited to the matter, and the lands embraced therein disposed of according to law, and should not now be considered as in the market for sale as other public lands."

FORT THORNBURGH, UTAH.

A military reservation covering the site selected for this post in Ashley Valley, and embracing an area of about 15 square miles, together with a wood and timber reservation for the use of the post, with an area of 18 square miles and 290 acres, was declared by the President's order, dated May 12, 1883.

Owing to the fact that a portion of the site selected was already occupied by settlers, it was subsequently decided to abandon the project of building a post at that point and to enlarge Fort Bridger instead. The reservations thus becoming useless, the Secretary of War, under date of July 3, 1883, directed that they be included in the list of reservations no longer needed for military purposes, to be submitted for the action of Congress at its next session.

FORT YUMA, CAL.

This post was established November 27, 1850, as "Camp Yuma"; abandoned in December, 1851, and permanently reoccupied as Fort Yuma February 22, 1852.

It is situated at the confluence of the Colorado and Gila Rivers, on the right bank of the latter, 80 miles from the head of the Gulf of California.

It is 190 miles distant from Maricopa Wells, Ariz., 300 miles from Tucson, Ariz., and 200 miles from San Diego, Cal.

By executive order dated January 22, 1867, a military reservation was declared for Fort Yuma, consisting of two tracts of land, embracing an area of 5,224.30 acres. The larger tract, upon which the post was built, is situated on the north side of the Colorado River, in California; the smaller tract is in Arizona, on the south side of the Colorado River, and there the valuable buildings of the Quartermaster's depot are located.

Pursuant to act of Congress approved June 22, 1874, authorizing the relinquishment of so much of the reservation in Arizona as in the opinion of the Secretary of War might be no longer required for military purposes, a portion of that tract was, by War Department letter of December 21, 1874, relinquished to the Interior Department. The area of the tract in Arizona still under control of the War Department is 51.99 acres.

Under date of January 25, 1883, the General of the Army recommended the *absolute abandonment* of Fort Yuma (then occupied by a small detachment), the sale of the buildings, and the restoration to the public domain of that portion of the military reservation lying in California, remarking that the post had fulfilled its destiny, a most important one, in facilitating the settlement of California and Arizona.

He also recommended the disposition of the public stores, and that the post be placed in charge of an agent until the property had been sold. These recommendations were approved by the Secretary of War, January 30, 1883, and the division commander was so advised by letter of February 13, 1883, from this office.

The post was finally abandoned May 16, 1883.

In connection with the general subject as presented in the accompanying Senate Doc. No. 20, attention is also invited to the case of the reservation of Fort Cameron, Utah, presented for the consideration of Congress by the President's message of January 19, 1883, published in Senate Ex. Doc. No. 45, Forty-seventh Congress, second session, copy also herewith, and which is still awaiting legislative action.

I have the honor to be, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

Lieut. Gen. P. H. SHERIDAN,
Commanding Army of the United States.

HEADQUARTERS OF THE ARMY,
Washington, D. C., December 10, 1883.

Respectfully submitted to the honorable Secretary of War, recommending that Congress be requested to take some action relative to the disposition of the abandoned military reservations belonging to the United States, and I suggest that a general law be passed authorizing the Secretary of War to transfer such military reservations as are now or may hereafter become useless for military purposes to the custody of the Secretary of the Interior for disposition under the general land laws of the United States.

The following is a list of abandoned military reservations heretofore

reported for the action of Congress, and on which no action has yet been taken:

	Acres.
Bois Blanc Island, Mich	9,199.43
Fort Butler, N. Mex	76,800
Camp Cady, Cal	1,562
Fort Crittenden, Utah	93,703.61
Camp Crittenden, Ariz	3,278.084
Coal reservation, Sulphur Creek, Wyo	99.17
Fort Fetterman, Wyo. (about)	77,480
Camp Goodwin, Ariz. (about)	5,760
Old Camp Grant, Ariz	2,031.70
Fort Hartsuff, Nebr	3,251.41
Hot Springs, Ark	6,765
Camp Independence, Cal. (about)	5,240
Island on Missouri River, east of Kansas City, Mo	54.70
Fort McPherson, Nebr. (about)	19,000
Fort McRae, N. Mex	2,560
Fort Randall, Dak. (portion—about)	25,000
Fort Rice, Dak. (about)	112,000
Rush Lake Valley, Utah (about)	5,131.47
Fort Sedgwick, Colo. and Nebr	40,960
Camp Sheridan, Nebr	18,225
Fort Steilacoom, Wash	289
Camp Three Forks, Owyhee, Idaho	5,120
Fort Verde, Ariz. (garden tract—about)	3,000
Whipple Barracks, Ariz. (timber reserve)	720
Fort Wilkins, Mich. (about)	320
Fort Dodge, Kans. (about)	14,661
Fort Wallace, Kans	8,960
Fort Lyon, Colo. (about)	5,865
Fort Cameron, Utah	23,378
Fort Sanders, Wyo	19,691.48
Fort Lyon (old), Colo	38,400

The following is a list of the abandoned military reservations which have not heretofore been reported to Congress for action:

	Area.
Pagosa Springs (Old Fort Lewis), Colo	22,400
Camp on White River, Colo	40,961
Fort Thornburgh, Utah	21,410
Fort Yuma, Cal	5,163
About	711,680,819

P. H. SHERIDAN,
Lieutenant-General Commanding.

[Senate Ex. Doc. No. 20, Forty-seventh Congress, second session.]

Message from the President of the United States, transmitting a communication from the Secretary of War, relating to abandoned military reservations, and renewing his former recommendation for legislation which will provide for the disposal of such reservations no longer needed.

DECEMBER 19, 1882.—Read and referred to the Committee on Appropriations and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication from the Secretary of War upon the subject of abandoned military reservations, and renewing his former recommendation for such legislation as will provide for the disposal of military sites that are no longer needed for military purposes.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
December 19, 1882.

WAR DEPARTMENT,
Washington City, December 18, 1882.

SIR: I have the honor to inclose herewith, with request for their transmission to Congress, a letter from the Adjutant-General of the Army, of the 15th instant, and its accompanying papers, upon the subject of abandoned military reservations.

The letter referred to, in conjunction with Department letter of January 17, 1882, and its accompanying papers, published as House Ex. Doc. No. 39, Forty-seventh Congress, first session, copy herewith, gives a statement of the military reservations no longer needed for military purposes, and shows also their present status.

In view of the importance of this subject and of the benefits that will unquestionably accrue to the Government from such legislation, I again recommend that Congress grant authority to dispose of the reservations reported as no longer needed for military purposes, and that a general law be passed authorizing the Secretary of War to transfer such military sites as may hereafter become useless for military purposes to the custody of the Secretary of the Interior for sale to the highest bidder, after appraisement, or for disposition under the general land laws, or such other disposition as may be deemed to be for the best interests of the United States.

Very respectfully, your obedient servant,

ROBERT. T. LINCOLN,
Secretary of War.

The PRESIDENT.

ADJUTANT-GENERAL'S OFFICE,
Washington, December 15, 1882.

SIR: I have the honor to invite your attention to the subject of abandoned military reservations, and to state that since my reports of December 8 and 15, 1881, in relation thereto, published in House Ex. Doc. No. 39, Forty-seventh Congress, first session, copy herewith, the disposition of but *three* more of the reservations included in the list of "reservations reported as no longer required for military purposes, &c.," has been authorized by Congress, viz, those of Fort Benton, Mont., Fort Larned, Kans. (acts approved August 4, 1882), and Oglethorpe Barracks, Ga. (act approved April 7, 1882).

In continuation of my former reports, the following additional information is published:

FORT FETTERMAN, WYO.

(Reduction of post reservation and relinquishment of *old* wood reserve and the hay reserve heretofore recommended.)

The post has since been abandoned; the principal buildings were sold September 29, 1882, under authority of the War Department, and military custody of same ceased November 1, 1882. Under the Secretary's instructions of May 1, 1882, the *entire* post reservation, together with the *new* wood reservation on La Bonté Creek, about 30 miles south of the post, declared by the President's order of February 9, 1877, and having an area of 2 square miles, are now reported for the action of Congress.

FORTS DODGE AND WALLACE, KANS.

Under date of July 20, 1882, the Secretary of War transmitted to Congress copies of correspondence relative to the disposal of the lands and buildings at these two posts, and requested, in view of the advantage that would thereby accrue to the Government, that such legislation be had as would authorize him to subdivide the reservations and sell the buildings, with the grounds upon which they are located. (*Vide* House Ex. Doc. No. 225, Forty-seventh Congress, first session, copy herewith.) No final action appears to have been taken by Congress in the matter.

I have also the honor, pursuant to your instructions of June 16, 1882, to report the following additional cases of useless military reservations, with a view of their being brought to the attention of Congress during the present session.

OLD FORT LYON, COLO.

This reservation was declared by the President's order of August 8, 1863, as the site of "Fort Wise," established August 29, 1860, embracing an area of 60 square miles. The name was changed to Fort Lyon in 1862, and in June, 1867, the post was abandoned and the troops removed to the present site, also known as Fort Lyon, about 20 miles distant, where a reserve was declared by the President's order of September 1, 1868.

In this connection attention is invited to the accompanying copy of letter from the Commissioner of the General Land Office, addressed to this Department, under date of June 5, 1882, containing a history and description of the reservation of Old Fort

Lyon, together with reasons for Congressional action. From this letter it appears that in 1873 and 1874 most of the lands embraced in the reservation were *subdivided as public lands*, and the limits of the reserve were not respected, through inadvertence. In order that the lands may be properly disposed of, the Commissioner now desires that the action of Congress be invoked.

FORT SANDERS, WYO.

Post established July 10, 1866, and called "Fort John Buford"; name changed to Fort Sanders September 5, 1866.

Located on the Laramie Plains, 3 miles from Laramie City, on the Union Pacific Railroad, which has a station at the post.

Reservation declared by the President January 7, 1867, with an area of 36 square miles, 6 miles square; *enlarged* by the President's order of June 28, 1869, to an area of 81 square miles, 9 miles square; and *reduced* by act of Congress approved June 9, 1874, to an area of 30 square miles and 491.48 acres. May 1, 1882, the Secretary of War authorized the abandonment of the post, and directed that the reservation thereat be reported for the action of Congress. The abandonment was reported by the Lieutenant-General May 22, 1882, the papers being sent to the Secretary's office May 25, 1882.

The buildings at the abandoned post, except the hospital and ice-house, which were torn down and the material removed to other stations, were sold at public auction September 29, 1882, and military custody of same ceased November 1, 1882.

In obedience to your instructions of November 23, 1882, attention is again called to the case of

FORT WILKINS, MICH.,

and in this connection to Senate Report No. 666, Forty-seventh Congress, first session (copy herewith), publishing War Department letter of May 12, 1882, to Hon. F. M. Cockrell, of the Senate Military Committee, and *full report* of this office in the matter, dated May 10, 1882.

In the case of *Pagosa Springs*, Colo. (heretofore directed to be reported to Congress), action has been *suspended*, in compliance with your instructions of the 9th instant, and special report called for.

I have the honor to be, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The Hon. SECRETARY OF WAR.

[House Ex. Doc. No. 39, Forty-seventh Congress, first session.]

Message from the President of the United States, transmitting a communication from the Secretary of War relative to the disposal of abandoned military reservations.

JANUARY 26, 1882.—Referred to the Committee on Military Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication from the Secretary of War, reporting a list of reservations which are no longer needed for military purposes, and setting forth the necessity for such legislation as will provide for their disposal.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
January 26, 1882.

WAR DEPARTMENT,
Washington City, January 17, 1882.

I have the honor to transmit herewith (with a request that the same be laid before Congress) reports of the Adjutant-General, dated the 8th and 15th ultimo, together with accompanying papers, in regard to the following-named military reservations, to wit: Fort Fetterman, Wyo.; Fort McPherson, Nebr.; Camp Sheridan, Nebr.; Camp Independence, Cal.; Fort Hartsuff, Nebr.; Fort Benton, Mont.; Hot Springs, Ark.; Fort Steilacoom, Wash.; Whipple Barracks, Ariz.; coal reservation on Sulphur Creek, Wyo.; Fort Dodge, Kans.; Fort Wallace, Kans.; and Fort Lyon, Colo.

These reservations are reported as no longer of any use for military purposes, and nine of them are in addition to those reported to the House of Representatives by my predecessor on the 4th of February last, which report is published in H. Ex. Doc. No. 90, Forty-sixth Congress, third session (copy inclosed).

At that time twenty-four reservations were reported as no longer needed for military purposes, and authority was asked to dispose of them. It will be seen from the report of the Adjutant-General, of the 8th instant, that the requisite authority was granted in but two cases, so that, including those now reported, there are thirty-one useless military reservations in the custody of this Department awaiting the requisite authority of law to dispose of them. These reservations comprise a total area of about 543,312.689 acres. (See list hereto attached.)

In this connection attention is invited to the remarks of my predecessor, contained in the letter above mentioned, presenting fully the necessity for early action in this class of cases.

I would respectfully renew the recommendations contained in said letter, and would ask that authority be granted during the present session of Congress to dispose of the reservations that have been reported as no longer needed for military purposes, and that a general law be passed authorizing the Secretary of War to transfer such military sites as are or may hereafter become useless for military purposes to the custody of the Secretary of the Interior, for sale to the highest bidder, after appraisement, or for disposition under the general land laws, or such other disposition as may be deemed to be for the best interests of the United States.

In view of the importance of this subject, I beg to request that this letter and the accompanying papers, if transmitted to Congress, be printed.

I am, sir, very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

The PRESIDENT.

List of the military reservations reported in the foregoing letter, and in the letter of the Secretary of War of February 4, 1881.

	Area in acres.
*Fort Benton, Mont., discontinued 1881, 3.24 square miles	2,073.60
Bois Blanc Island, Mich., reserve, includes about one-half of the island.	9,199.43
Fort Butler, N. Mex	76,800
Camp Cady, Cal., discontinued 1871	1,562
Fort Crittenden, Utah, abandoned 1861	93,703.61
Camp Crittenden, Ariz., abandoned 1873	3,278.084
Coal reservation on Sulphur Creek, Wyo	99.17
Fort Fetterman, Wyo., post reserve to be reduced from 60 square miles to 12½ square miles, leaving to be disposed of 47½ square miles	30,400
Hay reserve, about 20 square miles	12,800
Old wood reserve, about	25,000
Camp Goodwin, Ariz., abandoned 1871, about 9 square miles	5,760
Old Camp Grant, Ariz., abandoned 1873	2,031.70
Fort Hartsuff, Nebr., abandoned 1881, post reserve	1,218.22
Wood and hay reserve	2,033.19
Hot Springs, Ark., abandoned 1881	6.765
Camp Independence, Cal., abandoned 1877, post reserve (about 120 acres), wood reserve (4 square miles), grazing reserve (about 4 square miles)	5,240
Island in Missouri River, east of Kansas City, abandoned 1872	54.70
*Fort Larned, Kans., abandoned 1878, 16 square miles	10,240
Fort McPherson, Nebr., abandoned 1880, all of the reserve (except the national cemetery), about	19,000
Fort McRae, N. Mex., 4 miles square	2,560
†Oglethorpe Barracks, Savannah, Ga., about ¾ of an acre in the center of the city	.75
Fort Randall, Dak., part of reserve north of Missouri River, about	25,000
Fort Rice, Dak., abandoned 1879, about 175 square miles	112,000
Rush Lake Valley, Utah, about	5,131.47
Fort Sedgwick, Colo. and Nebr., abandoned 1871, 64 square miles	40,960
Camp Sheridan, Nebr., abandoned 1881, 28 204/640 square miles	18,225
Fort Steilacoom, Wash., abandoned 1868	289
Camp Three Forks, Owyhee, Idaho, abandoned 1871; post, wood, grazing, and water reserves, about 8 square miles	5,120
Fort Verde, Ariz., garden tract, about	3,000
Whipple Barracks, Ariz., timber reserve	720
Fort Wilkins, Mich., abandoned 1870, at Copper Harbor, on Lake Superior, about	320

* Disposed of, act of August 4, 1882.
† Disposed of, act of April 7, 1882.

	Area in acres.
Fort Dodge, Kans., area of reservation, as declared, 43,461 acres, reduced by act approved December 15, 1880, about 28,800 acres, leaving about.	14,661
Fort Wallace, Kans	8,960
Fort Lyon, Colo., area of reservation, as declared, 5,875 acres, reduced by act approved June 23, 1874 (depot and right of way), 10 acres, leaving about	5,865
Total	543,312.689

ADJUTANT-GENERAL'S OFFICE,
Washington, December 8, 1881.

SIR: Referring to the list of military reservations reported by this office January 5, 1881, as no longer needed for military purposes, but remaining in the custody of the War Department in the absence of the necessary legislation for their disposition, which list was transmitted to the House of Representatives in War Department letter of February 4, 1881, and published in H. Ex. Doc. No. 90, Forty-sixth Congress, third session, I have the honor to invite attention to the fact that out of the twenty-four reservations and portions of reservations embraced in said list only two have been the subject of Congressional action, viz, those of Camp Crook and Fort Reading, California. (*Vide* act approved February 15, 1881, 21 Stats., p. 325.)

Regarding certain of these reservations, it is remarked that some of the conditions have changed since the date of my former report, and the following information in relation thereto is accordingly supplied to supplement said report.

FORT FETTERMAN, WYO.

(Reductions of post reservation and relinquishment of old wood reserve heretofore recommended.)

It has been since reported that the hay reserve for this post, declared by the President August 29, 1872, and embracing an area of about 20 square miles, consisting of "the bottom lands and adjacent and pertaining to Deer Creek, Wyoming, from its mouth to the foot of the first high range of hills," is not now available for military purposes by reason of its unprotected condition, and its distance from the post from 20 to 25 miles to the west.

The department and division commanders and the General of the Army having concurred in recommending its restoration to the condition of public lands, it is now reported, under the Secretary's instructions of May 5, 1881, with a view to securing the action of Congress, which the Department has held to be requisite in all such cases of military reservations duly declared by the President, and which view has been confirmed by an opinion of the Attorney-General, dated July 20, 1881, having special reference to the case of this hay reservation.

FORT M'PHERSON, NEBR.

The buildings at this post were sold May 23, 1881, under authority from the War Department, and military custody of same ceased July 1, 1881.

Within the limits of the military reservation at Fort McPherson is a tract of 107 acres set aside by the President for a national cemetery, as announced in General Orders No. 103 of October 13, 1873, from this office. These grounds, the Quartermaster-General reports, should be reserved from sale forever, as originally intended.

A copy of correspondence in this matter, including the General Order and a plat of the cemetery grounds, is inclosed herewith.

CAMP SHERIDAN, NEBR.

In this case special report was also made to both houses of Congress by War Department letter of February 3, 1881, accompanied with map of the reservation, &c., and the authority of Congress was requested to transfer the reservation to the Interior Department for disposition under the land laws, the abandonment of the post having been ordered by the Secretary of War.

The post was discontinued May 1, 1881, pursuant to General Orders No. 8, Headquarters Department of the Platte, April 20, 1881—copy herewith—which also provided, under authority from the War Department, for the removal or sale of the buildings at the post and the removal of the bodies interred in the post cemetery.

The buildings were accordingly sold August 2, and military custody of same ceased August 31, 1881.

CAMP INDEPENDENCE, CAL.

The sale of the buildings at this post was ordered by the Secretary of War, December 6, 1881, in accordance with recommendations of the Quartermaster-General and the chief quartermaster, Military Division of the Pacific.

I have also the honor, by your direction, to report the following additional cases of useless military reservations, with a view to their being brought to the attention of Congress:

FORT HARTSUFF, NEBR.

This post was established September 5, 1874, as Camp on North Fork of Loup River; name changed to present designation by General Orders No. 8, Headquarters Military Division of the Missouri, December 9, 1874. It is located on the left bank of the North Fork of Loup River, about 75 miles north of Kearney station on the Union Pacific Railroad.

Two reservations have been declared for use of the post by orders of the President, dated August 17 and September 16, 1874. On the latter the post was built, while the former has been used for supplying wood and hay.

The limits of these reservations are announced in General Orders No. 18, Headquarters Department of the Platte, October 19, 1874—copy herewith—the area of the post reserve being 1,218.22 acres, and that of the wood and hay reserve 2,033.19 acres. It appears that of the latter reserve an area of 603.38 acres had been entered by settlers prior to the President's order of reservation, and December 4, 1877, the Department reported to the House of Representatives that so much of the reservation as contained the improvements of said settlers could be relinquished without detriment to military interests, at the same time transmitting the papers in the case, with maps, &c., and recommending legislation to that end. (*Vide* Senate Report No. 709, Forty-fifth Congress, third session, to accompany act H. R. 3874.) There does not appear, however, to have been any final action in this matter up to the close of the Forty-sixth Congress, and the discontinuance of the post has now rendered this entire reserve, as well as the post reservation, useless for military purposes. The establishment of Fort Niobrara, Nebraska, rendering the further occupation of Fort Hartsuff unnecessary, its abandonment was authorized by the Secretary of War, and accordingly directed by General Orders No. 9, Headquarters Department of the Platte, April 23, 1881, to take effect May 1, 1881. The buildings at the abandoned post were sold July 20, 1881, pursuant to authority from the War Department, and military custody of same ceased July 31, 1881.

The removal of the remains in the post cemetery to the nearest national cemetery has also been ordered.

FORT BENTON, MONT.

This post was established in October, 1869, in buildings belonging to the Northwest Fur Company, which were rented by the Government. It was located on the left bank of the Missouri River, and at the head of navigation thereon.

A military reservation of 3.24 square miles was declared at this site by the President December 1, 1869.

For several years past the troops have been quartered in the town of Fort Benton (adjoining the reservation on the west), in rented buildings, and the old fort appears to have fallen into ruins.

The post of Fort Benton was finally discontinued May 31, 1881, pursuant to Special Orders No. 77, May 2, 1881, from Headquarters Department of Dakota, the troops being transferred to Fort Shaw.

Inclosed herewith is copy of report showing that the reservation declared December 1, 1869, is no longer needed for military purposes, and containing data relative to the boundaries of the reservation, the buildings thereon, &c.

HOT SPRINGS, ARK.

A military reservation was declared by the President November 17, 1880, as a site for a post which it was then proposed to build at this place.

The reservation included all of square block numbered 94 on the official survey of the Government reservation at Hot Springs, embracing an area of 6.765 acres, with boundaries as announced in General Orders No. 6, Headquarters Department of Arkansas, April 7, 1881, copy herewith. Troops had been stationed at Hot Springs, in rented buildings, since October 2, 1878, to guard the Government interests there, and recommendation was made to the Forty-sixth Congress by War Department letter of January 3, 1881, for a special appropriation to build a permanent post, but no appropriation being made it was subsequently decided by the Department that no military structures could be erected at Hot Springs, and orders were given August 20, 1881, to withdraw the troops at the earliest practicable period.

The troops were accordingly withdrawn September 22, 1881, and the relinquishment of the military reservation is recommended by the General of the Army, as it fulfills no military use.

FORT STEILACOOM, WASH.

Post established August 28, 1849, near the southeastern limit of Puget Sound, adjoining the town of same name; the garrison was finally withdrawn April 22, 1868, and the buildings were sold January 15, 1870, to James Scott and others, commissioners for Washington Territory.

The reservations for this post, declared by the President April 8, 1861, consisted of three tracts, viz: Post reserve, 640 acres; fuel reserve, 160 acres; garden reserve, 126.27 acres.

The House of Representatives was advised by War Department letter of March 5, 1872, that the reservations at Fort Steilacoom were no longer required for military purposes.

By act of Congress approved April 15, 1874 (18 Stats., p. 29), a portion of the post reserve was donated to the Territory of Washington for the use and purpose of an insane asylum.

From reports of the General Land Office it appears that other portions of this reserve, as well as portions of the fuel and garden reserves, are covered by donation and other claims, leaving subject to the control of the War Department 99.78 acres of the post reserve, 104.59 acres of the fuel reserve, and 84.64 acres of the garden reserve. Concerning these tracts the Commissioner of the General Land Office reported June 13, 1881, that there was no authority under existing laws for the disposition thereof.

Copy of correspondence on the subject is inclosed herewith, including reports and map from the General Land Office, showing the present status of the lands embraced within the limit of these reservations.

WHIPPLE BARRACKS, ARIZ.

Timber reservation.—This reservation, located 6 miles south of the post and containing an area of 720 acres, was declared by the President June 20, 1873, the purpose being to enable the Quartermaster's Department to procure lumber required for construction and completion of certain posts in the Department of Arizona at a reasonable rate.

It appears that the Government has not, for the past few years, used any timber from this reserve for building or other purposes, and a board of officers, convened by orders of July 5, 1881, from department headquarters, after examination of the reserve and due consideration of the question of its utility, recommended its relinquishment, and this recommendation was concurred in by the department commander and the Quartermaster-General.

Inclosed is copy of brief in the matter, prepared in this office September 15, 1881; also of War Department letter, dated September 28, 1881, to the Commissioner of the General Land Office, in which it is held that the authority of Congress is necessary to restore this reserve to the public domain.

COAL RESERVATION ON SULPHUR CREEK, WYOMING TERRITORY.

This reservation, which is located 24 miles southwest of Fort Bridger, was declared by the President April 6, 1859, upon the recommendation of the commanding officer of that post, to embrace the coal mines on Sulphur Creek.

It is in the east half of section 35, township 14 north, range 119 west of the sixth principal meridian, half a mile from the Union Pacific Railroad, and embraces an area of 99.17 acres.

I inclose copy of reports, map, &c., in case of this reservation, showing that it is not now used nor desired for military purposes, and that there are no Government buildings or improvements thereon.

Its restoration to the public lands under the control of the Interior Department is recommended by the Quartermaster-General.

I have the honor to be, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The Hon. SECRETARY OF WAR.

ADJUTANT-GENERAL'S OFFICE,
Washington, December 15, 1881.

SIR: In connection with report of this office of December 8, 1881, on the subject of useless military reservations, I have the honor to inclose copy of recommendations of the Lieutenant-General and the General of the Army relative to the early abandonment and disposition of Fort Lyon, Colo., and Forts Dodge and Wallace, Kans., which, although still garrisoned, are reported as having fulfilled the purposes for which they were established and as being no longer of use for military purposes.

Fort Lyon, Colo., was established in June, 1867, and is located on the north bank of the Arkansas River, 1 mile from the town of Las Animas, which is on the opposite bank of the river on the Atchison, Topeka and Santa Fé Railroad.

A military reservation was declared at the post by the President's order of September 1, 1868, with an area of 9 square miles and about 115 acres, as announced in General Orders No. 25, of August 13, 1868, Department of the Missouri (copy inclosed).

By act of Congress, approved June 23, 1874 (18 Stats., p. 274), the right of way across the reservation was granted the Arkansas Valley Railway Company (branch of the Kansas Pacific Railroad), together with 10 acres of ground for depot and other purposes.

The map of location of right of way, &c., was approved by the Secretary of War March 5, 1875, and a copy filed in the Interior Department.

Fort Lyon is a four-company post, with stabling for 180 animals.

Several of the buildings are of stone, the others being of frame and adobe.

Fort Dodge, Kans., was established in 1865, and is located on the north bank of the Arkansas River, about 5 miles east of Dodge City, on the Atchison, Topeka and Santa Fé Railroad.

A military reservation was declared at the post by the President's order of June 22, 1868, with boundaries as described in General Orders No. 17, of May 29, 1868, Department of the Missouri (copy herewith), embracing an area of 67 square miles and 581 acres.

Under act of Congress, approved March 3, 1863 (12 Stats., p. 772), a right of way across this reservation was laid out by the Atchison, Topeka and Santa Fé Railroad Company in 1873, and by act approved December 15, 1880 (copy herewith), the Secretary of the Interior was directed to offer to actual settlers, in accordance with the homestead laws, the portion of the reservation lying north of the railroad right of way—the right to purchase an additional tract not exceeding 160 acres being also granted to the railroad company.

The quantity of land thus taken from the reservation is estimated at not less than 45 square miles, but no report of the result of the survey provided for in the act of Congress has yet been received from the Interior Department.

Fort Dodge has quarters for three companies. The buildings are partly of stone, constructed in 1867; the others, erected since, being of adobe and frame.

Fort Wallace, Kans., was established in 1866, and is located on the north bank of the Smoky Hill River, 3 miles east of the junction of Pond Creek and 2 miles southeast of Wallace Station, on the Kansas Pacific Railroad.

A military reservation was declared at the post by the President's order of August 28, 1868, with an area of 14 square miles, and boundaries as announced in General Orders No. 24, of August 8, 1868, Department of the Missouri (copy inclosed).

Fort Wallace is a three-company post, with stabling for one company of cavalry.

Several of the buildings are of stone, the others being of frame.

Wallace Station, on the Kansas Pacific Railroad, is within the limits of the military reservation, and the railroad company claim the alternate (odd numbered) sections upon their relinquishment for military purposes, under the acts making grants of land to the company.

I have the honor to be, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The Hon. SECRETARY OF WAR.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, July 28, 1881.

SIR: I have the honor to invite attention to the following extract from letter of the chief quartermaster, Department of the Platte, dated February 16, 1881, in which he inclosed report showing the character and condition of the public buildings at the abandoned post of Fort McPherson, Nebr., and suggested that orders be given for their disposition:

"There is a national cemetery near the post, but none of the buildings thereat should be sold, nor are they included in this list.

"The post is situated on a military reservation * * * and within such reservation is a reservation set apart as a national cemetery, as announced by General Orders No. 103, War Department, series of 1873.

"In my surrender of the lands to the Interior Department such part of the cemetery reservation as needed, together with right of way thereto, should be reserved."

The sale of the buildings at the post, having been ordered by the Secretary of War, was effected May 23, 1881, as reported by the department chief quartermaster in letter dated May 28, of which a copy has been furnished your office.

The military reservation has been reported to Congress as no longer needed, with re-

quest for the requisite authority of law for its disposition. (*Vide* H. Ex. Doc. No. 90, Forty-sixth Congress, third session.)

In view of the foregoing, it is respectfully suggested that full and definite report be obtained for the information of the Secretary of War relative to the retention of the national cemetery tract, in whole or in part, with the necessary right of way or approaches to same through the military reservation, said report to be accompanied with proper plat and description, in order that the matter may be again laid before Congress at its approaching session, with such further recommendation as may be called for.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The QUARTERMASTER-GENERAL.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., August 6, 1881.

GENERAL: In answer to your communication of the 28th ultimo, in regard to the sale of the military reservation of Fort McPherson, Nebr., I have the honor to state that the grounds set aside for the uses of the national cemetery, as described in General Order 103, Adjutant-General's Office, 1873, should be reserved from sale forever, as then intended and ordered. See report of Quartermaster-General of September 19, 1873, and indorsements thereon, copy herewith. Also a copy of the plat showing the lands set apart for the national cemetery.

The tract contains 107 acres.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Bvt. Major-General, U. S. Army.

The ADJUTANT-GENERAL.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., September 19, 1873.

SIR: On the 28th of March, 1872, the Secretary of War authorized the inclosing of the soldiers' cemeteries at Forts Kearney and Sedgwick with stone walls, but as it subsequently appeared that to carry out this project would involve an outlay of some $30,000, I called for an estimate of the cost of removing the remains interred in the above-mentioned cemeteries to some permanent post. Fort McPherson, Nebr., was suggested, and the cost of removal estimated at $3,000, if Government transportation were used to convey the remains.

The case was resubmitted to the Secretary of War, who then directed that a national cemetery be established at Fort McPherson, and approved of the removal of the bodies to that place.

A Board of officers was accordingly convened by order of the department commander, General Ord, to fix the location, and its report is inclosed herewith, together with a plat of the proposed cemeterial reservation.

If a farm of 107 acres is reserved as cemetery grounds, and 6 acres are inclosed as suggested, the use of the farm and the pay now allowed a superintendent will for all time enable the United States to keep up the cemetery.

The land is now of little value.

I recommend that the proceedings of the board be approved and the cemetery set aside in General Orders, by authority of the Executive, as a national cemetery, and this being done, that 6 acres be inclosed by a wall and laid out as a burying ground, in which the remains of those to be removed and reinterred shall be collected.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General, Bvt. Maj. General, U. S. A.

The Hon. SECRETARY OF WAR.

[First indorsement.]

WAR DEPARTMENT,
October 7, 1873.

The proceedings of the Board are approved, and the Adjutant-General will issue the general order as recommended by the Quartermaster-General, to whom these papers will be returned.

WM. W. BELKNAP,
Secretary of War.

[Second indorsement.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, October 20, 1873.

Respectfully returned to the Quartermaster-General in accordance with first indorsement, and inclosing copy of General Order No. 103, War Department, Adjutant-General's Office, Washington, October 13, 1873, setting apart the land herein referred to as a national cemetery.

A copy of the order and accompanying plat have been transmitted to the Interior Department in order that proper note may be made in the General Land Office.

E. D. TOWNSEND,
Adjutant-General.

[General Orders, No. 103.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, October 13, 1873.

By direction of the President, a tract of land—within the limits of the present military reservation at Fort McPherson, Nebr.—with boundaries as hereinafter described, is hereby set apart as a national cemetery.

BOUNDARIES.

Beginning at a point on the south bank of the South Platte River, marked by a wooden post, about four thousand and four hundred (4,400) feet from the flag-staff at Fort McPherson, and running thence westward up the south bank of the river thirteen hundred and twenty (1,320) feet to a wooden post; thence southward to the table-land of the ridge four thousand four hundred and forty (4,440) feet to a wooden post; thence eastward along the table of the ridge eight hundred (800) feet to a wooden post; thence northward four thousand and four hundred (4,400) feet to the point of beginning—the whole tract containing about one hundred and seven (107) acres.

By order of the Secretary of War:

E. D. TOWNSEND,
Adjutant-General.

[General Orders, No. 8.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Fort Omaha, Nebraska, April 20, 1881.

The post of Camp Sheridan, Nebraska, will, under the instructions of the Lieutenant-General commanding the division, be discontinued May 1, 1881.

Company M, 5th Cavalry, and Company E, 9th Infantry, now stationed thereat will take post at Fort Robinson, Nebr.

Maj. William T. Gentry, 9th Infantry, will proceed to Fort Fetterman, Wash., and there take post.

Capt. Henry M. Cronkhite, assistant surgeon, will proceed to Fort McKinney, Wash., and report for duty at that post.

Hospital Steward Thomas N. Gunn will report in person to the commanding officer, Fort Hall, Idaho, for duty.

The quartermaster's and subsistence stores and the ordnance and ordnance stores, not in hands of the troops, at Camp Sheridan, will be sent to Fort Robinson, Nebr., or distributed to neighboring posts at which they are most required.

The medical and hospital property at Camp Sheridan will be sent to Fort Robinson, Nebr., with the following exceptions: The hospital library, including the Medical Journal at the post, will be sent to the medical director of the department; the hospital records to the Surgeon-General U. S. A., Washington, D. C. The remaining records will be carefully arranged for further reference, boxed up, and forwarded to these headquarters, as follows: Those pertaining to the Quartermaster's Department to the chief quartermaster; those pertaining to the Subsistence Department to the chief commissary of subsistence; all others to the assistant adjutant-general.

Under the instructions of the Secretary of War, the bodies interred at Camp Sheridan Cemetery will be removed to and reinterred in the cemetery near Fort Robinson, Nebr.

All buildings or building material which can with economy be removed to the posts of Fort Robinson or Niobrara will be transported to those posts and used in construction and repairs; the remainder will be sold by the Quartermaster's Department.

A detachment of one officer and ten enlisted men from the present garrison will re-

main at Camp Sheridan, after May 1, 1881, until all public property thereat is removed. On completion of this duty the detachment will join its company.

By command of Brigadier-General Crook.

ROBERT WILLIAMS,
Assistant Adjutant-General.

[General Orders No. 18.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, October 19, 1874.

I. Under date of September 16, 1874, the President has declared sections 2 and 10, township 20 N., range 15 W., as a reservation for the site of the post on the North Fork of the Loup River, Nebr., and under date of August 17, 1874, he has declared sections 9 and 15, and such parts of sections 10, 11, and 14, township 31 N., range 16 W., as lie south of the Loup River and its tributary, the Calamus River, as a reservation for supplying wood and hay to the post; and the same is hereby announced for the information of all concerned.

* * * * * * *

By command of Brigadier-General Ord.

GEO. D. RUGGLES,
Assistant Adjutant-General.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, June 29, 1881.

To the COMMANDING GENERAL DEPARTMENT OF DAKOTA,
(Through headquarters Military Division of the Missouri):

SIR: The troops lately stationed in the town of Benton, Mont., having been ordered to Fort Shaw, as appears by your indorsement of the 16th ultimo, upon petition of citizens protesting against the discontinuance of the former post, I have the honor, by direction of the General of the Army, to inquire whether there is any probability that the United States military reservation at Fort Benton, near the town, declared by the President's order of December 1, 1869, will be required in the future for military purposes; also, as to the number, character, present condition, and approximate value of improvements on said land.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

[First indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, July 1, 1881.

Respectfully transmitted to the commanding general Department of Dakota.

By command of Lieutenant-General Sheridan.

WM. D. WHIPPLE,
Assistant Adjutant-General.

[Second indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., July 6, 1881.

Respectfully referred to the commanding officer, District of Montana, for remark.

By command of Brigadier-General Terry.

SAMUEL BRECK,
Assistant Adjutant-General.

[Third indorsement.]

HEADQUARTERS DISTRICT OF MONTANA,
Helena, Mont., July 26, 1881.

Respectfully returned to the Adjutant-General, Department of Dakota. I am of opinion that the military reservation at Fort Benton will not in the future be required for military purposes. The improvements on the reservation consist of one frame stable, 28 by 128 feet, condition good, approximate value $500; also one adobe building (the old post of the American Fur Company), 25 by 35 feet, present condition bad, roof and part of wall broken. This building is of little, if any, value for sale, apart from the land, and of no certain value under any condition of sale. There are two small log houses and one small frame house on the reservation belonging to

citizens, who, it is reported, placed such buildings on the reservation by permission of the then commanding officer.

There appears to have been no record of this matter at Fort Benton. The frame stable will be sold at public auction August 10, in accordance with directions, by indorsement of June 27, 1881, from headquarters Department of Dakota, on letter of June 11, 1881, from the Quartermaster-General to the chief quartermaster Military Division of the Missouri.

THOMAS H. RUGER,
Colonel Eighteenth Infantry, Commanding District.

[Fourth indorsement.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Fort Snelling, Minn., August 2, 1881.

Respectfully returned to the Adjutant-General of the Army, through headquarters Military Division of the Missouri, concurring in the indorsement of Colonel Ruger.

ALFRED H. TERRY,
Brigadier-General, Commanding.

[Fifth indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, August 6, 1881.

Respectfully returned to the Adjutant-General of the Army.

In the absence of the Lieutenant-General, commanding.

WILLIAM D. WHIPPLE,
Assistant Adjutant-General.

[Sixth indorsement.]

ADJUTANT-GENERAL'S OFFICE,
Washington, August 22, 1881.

Respectfully referred to the Quartermaster-General for remark and recommendation relative to the disposition of the military reservation and the buildings remaining thereon, attention being invited to the third indorsement hereon.

By order of the Secretary of War.

R. C. DRUM,
Adjutant-General.

[Seventh indorsement.]

QUARTERMASTER-GENERAL'S OFFICE,
Washington, September 5, 1881.

Respectfully returned to the honorable Secretary of War through Adjutant-General of the Army.

I recommend that it be turned over to the Interior Department for such disposition as may by that Department be legally made of it.

M. C. MEIGS,
Quartermaster-General, Bvt. Maj. Gen., U. S. A.

[Eighth indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, September 19, 1881.

Respectfully submitted to the Secretary of War.

A military reservation for Fort Benton, Mont., was declared by the President of the United States, under date of December 1, 1869, with boundaries as announced in General Orders No. 77, November 6, 1869, from headquarters Department of Dakota, copy inclosed, the area being 3.24 square miles—about 1 mile wide and 3 miles long.

Upon the occupation of the post by United States troops in October, 1869, the buildings which belonged to the "Northwest Fur Company" were rented by the Government at $167 per month.

For several years past the troops have been stationed in the town of Fort Benton, adjoining the reservation on the west, and the old "fort" appears to be in ruins (*vide* accompanying transcript).

By Special Orders No. 77, paragraph 4, May 2, 1881, from Headquarters Department of Dakota, the "post of Fort Benton" was discontinued, and the rented buildings directed to be turned over to the owners by May 31, 1881.

In response to an inquiry of the Adjutant-General, the district and department

commanders now unite in reporting that the reservation will not, in the future, be required for military purposes.

As to condition of buildings on the reservation, attention is invited to report of the district commander—third indorsement hereon.

The Quartermaster-General recommends that the reservation be turned over to the Interior Department for such disposition as may by that department be legally made of it; but, under the ruling of the War Department, and in view of the recent opinion of the Attorney-General in case of the Fort Fetterman hay reservation, it will require the authority of Congress to dispose of it.

Under a House resolution asking what military posts could be disposed of, the abandonment of Fort Benton (among others) was recommended by the division commander, and in letter of February 24, 1872, the Secretary of War informed the House that the reservation at this post could be disposed of without injury to the service. No final action appears to have been taken by Congress in the matter.

W. T. SHERMAN,
General.

Transcript from E. B., 29, 368.

APRIL 10, 1880.

Commanding general, Department of Dakota, forward (through commanding general, Division of the Missouri, April 14) remonstrance of J. G. Baker & Co., and other citizens of Fort Benton, Mont., to a certain petition that has been, or is soon to be, forwarded to the President, praying that the military reservation at Fort Benton be restored to the public domain.

(MEMO.—A. G. O , April 19, 1880.—The petition in question does not appear to have reached this office as yet. The post is still garrisoned.)

[Third indorsement.]

Respectfully submitted to the honorable Secretary of War for file.

No petition, such as the within refers to, has yet reached this office. I was at Benton three years ago. A very small garrison occupied a hired house in the town. The old Fur Company fort of adobes was in ruins and falling down. The district commander, General Ruger, will be the best judge of the necessity for maintaining Benton as a post or reservation.

W. T. SHERMAN,
General.

HEADQUARTERS OF THE ARMY,
Washington, April 19, 1880.

[General Orders No. 77.]

HEADQUARTERS DEPARTMENT OF DAKOTA,
Saint Paul, Minn., November 6, 1869.

General Orders No. 62, current series, from these headquarters, is modified as follows: In order that old Fort Benton may be made use of as a military post, the following reservation embracing it is declared, subject to the approval of the Secretary of War, viz:

Take for the initial point a stake in the southwest corner of the Fort lot, planted in the fence along the river street, five hundred and seventy-five (575) feet from the southwest corner of Fort Benton—through this stake run a due north and south line across the river, extending it on the north side of the Missouri to the Teton River. Upon this north and south line measure a distance of five hundred (500) yards south from the south bank of the Missouri River, through which point run an east and west line, extending east one (1) mile from the point last determined, thence north to the Teton River—thence along the bank of said river to the intersection of the north and south line herein mentioned, thence south to the place of beginning.

The commanding officer of Fort Benton will cause to be erected permanent cut stones, firmly imbedded in the ground, at each of the points heretofore described; on the inner faces of each stone the letters "U. S." will be painted or cut, and on the outer face of each stone the words "Military Reservation."

By command of Maj. Gen. Hancock.

R. CHANDLER,
Acting Assistant Adjutant-General.

[General Orders No. 6.]

HEADQUARTERS DEPARTMENT OF ARKANSAS,
Little Rock, Arkansas, April 7, 1881.

In accordance with instructions from headquarters of the Army, dated November 29, 1880, the military reservation of Hot Springs, Ark., declared by the President in Executive order of November 17, 1880, is announced. This reservation includes all of square or block numbered ninety-four (94) on the official survey of the Government reservation at Hot Springs, Ark. The area is 6.765 acres, more or less, and the boundaries thereof are defined as follows:

Beginning at a point S. 31 degrees, 6 minutes, 23 seconds. W. 2751.83 feet from a granite monument marked "30 U. S. H. S. R.," planted at angle 30, U. S. H. S. R., at the S. and W. point of the Hot Water Reservation, and running thence S. 40 degrees, 55 minutes, E. 474 feet; thence S. 34 degrees, 55 minutes, W. 560 feet; thence N. 39 degrees, 35 minutes, W. 614 feet; thence N. 48 degrees, 55 minutes, E. 530 feet to the point of beginning.

The courses given are true, the magnetic variation being 7 degrees, 45 minutes east.

Latitude 34 degrees, 31 minutes, 15 seconds (approximate).

Longitude 93 degrees W. from Greenwich (approximate).

Stone monuments 12x12, marked U. S. M. R., will be planted at each corner.

By order of Brevet Brigadier-General R. S. Mackenzie.

HUGH G. BROWN,
Acting Assistant Adjutant-General.

REPORT IN THE MATTER OF THE UNITED STATES MILITARY RESERVATION AT FORT STEILACOOM, WASH.

This reservation, consisting of three tracts located near the southeastern limit of Puget Sound, was made for military purposes by the President's order of April 8, 1861, as follows:

Tract No. 1, containing area of 640 acres.

Tract No. 2, containing area of 160 acres.

Tract No. 3 (garden) area of *97.72 acres.

The troops were withdrawn in 1868, since which time Fort Steilacoom has not been garrisoned.

By War Department letter of March 5, 1872, the House of Representatives was informed that the reservation was no longer needed for military purposes, and on March 19, 1872, the department informed the house that the buildings were sold January 15, 1870, to James Scott and others, commissioners of Washington Territory. (*Vide* H. Ex. Docs. Nos. 175 and 202, second session Forty-second Congress.)

A portion of the reserve was donated to the Territory of Washington for the use of the insane asylum by act of Congress approved April 15, 1874. (Published in General Order No. 32 of 1874; copy herewith.)

[General Orders No. 32.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, April 27, 1874.

The following acts of Congress are published for the information and government of all concerned:

* * * * * * *

II.—AN ACT to donate the military reservation at Fort Steilacoom to the Territory of Washington for the use of the insane asylum.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section thirty-three of township numbered twenty north, of range numbered two east of Willamette meridian, embracing a portion of Fort Steilacoom military reservation, and the military barracks thereon, in the county of Pierce and the Territory of Washington, be, and the same is hereby donated to the said Territory of Washington, for the use and purpose of an asylum for the insane of said Territory, and for no other purpose: *Provided,* That this act shall not be construed or have

---

*From report of Engineer Bureau, January, 1879, as to reservations in Washington Territory. From map furnished by Engineer Bureau, March 8, 1881, area of garden tract appears to be 126¼ acres, which agrees with Land Office report dated February 14, 1881. Plat furnished with Land Office letter of October 5, 1881, shows area by actual survey 126.27 acres.

the effect to impair any rights of any person in or to any portion of said lands acquired under any of the land laws of the United States.

Approved April 15, 1874.

* * * * * * *

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

It is respectfully suggested that the status of the lands be ascertained from the General Land Office, and that a map thereof be obtained to the end that if any portions still remain in the custody of the War Department, and it shall be determined that they are no longer needed for garrison or defensive purposes, proper measures may be taken looking to their relinquishments.

In this connection attention is invited to act of Congress approved February 28, 1877, relative to *donation claims* in Oregon and Washington Territories, under act of September 27, 1850. (Published in General Orders No. 24, of 1877; copy herewith.)

[General Orders No. 24.]

HEADQUARTERS OF THE ARMY,
ADJUTANT-GENERAL'S OFFICE,
Washington, March 20, 1877.

The following acts of Congress are published for the information and government of all concerned:

I.—AN ACT for the relief of certain claimants under the donation land law of Oregon, approved September twenty-seventh, eighteen hundred and fifty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the claims of such persons who were duly qualified thereto, and made bona fide settlements upon lands in the State of Oregon and Washington Territory, under the provisions of the act of Congress, approved September twenty-seventh, eighteen hundred and fifty, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and to make donations for settlers of the said public lands," and the legislation supplemental thereto, which have been included, in whole or in part, within the limits of any reservation made by the United States for military purposes subsequent to the date of such settlement and prior to the completion of the period of residence and cultivation required by said act, which reservation has been, or may hereafter be, declared abandoned by the Secretary of War as no longer necessary to the United States for military or other purposes, shall be adjudicated and patented the same as other donation claims arising under said act and supplemental legislation, as though such reservation had never been made: *Provided, however,* That no claim of any settler coming within the purview of this act shall be validated or confirmed the value of whose improvements, at the time such reservation was made by the United States, has been ascertained and paid for by the Secretary of War, as required by the aforesaid act of September twenty-seventh, eighteen hundred and fifty, and the legislation supplemental thereto.

Approved February 28, 1877.

* * * * * * *

By command of General Sherman.

E. D. TOWNSEND,
Adjutant-General.

Respectfully submitted.

R. C. DRUM,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 27, 1881.

HEADQUARTERS OF THE ARMY,
Washington, January 27, 1881.

Respectfully submitted to the Secretary of War.

W. T. SHERMAN,
General.

WAR DEPARTMENT,
Washington, February 4, 1881.

SIR: I have the honor to transmit herewith a report from the Adjutant-General, under date of the 27th ultimo, in the matter of the United States military reservation at Fort Steilacoom, Wash.

In accordance with the suggestions of that officer I beg to request that you will procure from the General Land Office and furnish this Department information as to the status of the lands comprising said reservation and a map thereof, to the end that if any portions still remain in the custody of the War Department, and it shall be determined that they are no longer needed for garrison or defensive purposes, proper measures may be taken looking to their relinquishment.

Very respectfully, your obedient servant,

ALEX. RAMSEY,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1881.

SIR: Your letter of the 4th instant, in which you ask to be informed of the status of certain lands in the military reservation at Fort Steilacoom, Wash., was received, and referred to the Commissioner of the General Land Office.

I have the honor to transmit herewith copy of his report on the subject yesterday. The paper and diagram accompanying your letter are returned herewith.

Very respectfully,

C. SCHURZ,
Secretary.

The Hon. SECRETARY OF WAR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, February 14, 1881.

SIR: I have the honor to acknowledge the reciept, by reference from the Department for report, of a letter from the honorable the Secretary of War, dated the 4th instant, inclosing a report from the Adjutant-General, U. S. A., in the matter of the United States military reservation at Fort Steilacoom, Wash., and requesting to be furnished with information as to the status of the lands comprised in said reservation, and a map of the lands, so that if any portion of the same are yet in the custody of the War Department, and it shall be determined that they are no longer needed for garrison or defensive purposes, measures may be taken by the War Department looking to their relinquishment.

In reply I have the honor to report that of the three tracts of land declared by the President, on April 8, 1861, for military reservations at Fort Steilacoom, the post *garden* tract, comprising 126¼ acres, has never been located with reference to the public survey; hence the status of that tract cannot be stated.

The post reserve of 1 mile square, situated in townships 19 and 20 north, range 2 east, Willamette meridian, was surveyed in 1871, and its location, as also the location of two donation claims covering part of the reserve, is shown on the inclosed tracing from a diagram received with the surveyor-general's letter, November 20, 1871. That part of the post reserve in section 33 of township 20, range 2 east, not covered by donation claims, having been donated to Washington Territory by act of Congress approved April 15, 1874, and that part of the same reserve in section 5 of township 19 north, range 2 east, having been entered as a pre-emption claim, the only remaining parts of the post reserve which, from the records of this office, appear to be in the custody of the War Department, are as follows, viz: That part in section 4, township 19 north, and that part in section 32, township 20 north, not covered by the donation claims of John Van Buskirk and T. M. Chambers.

With regard to the *fuel* reserve of 320? (160) acres, it has neither been connected with the public surveys nor laid down upon the township plats; but, from data on file in this office its position has been approximately laid down on the inclosed tracing. It falls in section 4 of township 19 north, range 2 east, and that part in the west half of the section has been disposed of to pre-emption settlers, while that part in the east half of said section appears, from the records of this office, to be reclaimed. The letter from the War Department, with its inclosures, is herewith returned.

Very respectfully,

C. W. HOLCOMB,
Acting Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

NOTE.—A plat having been furnished by the General Land Office October 5, 1881, showing the three reserves declared for Fort Steilacoom as delineated on the township plats, according to actual survey, a tracing thereof is substituted for all other plats referred to in these papers.

[First indorsement.]

ADJUTANT-GENERAL'S OFFICE,
Washington, February 23, 1881.

Respectfully referred to the Chief of Engineers for report as to the prospective need of the tracts still under control of the War Department, or any portion thereof, for defensive purposes; also for copy of the President's order and map, if on file in his office, showing the garden and fuel tracts within referred to.

To be returned.

By order of the Secretary of War.

R. C. DRUM,
Adjutant-General.

[Second indorsement.]

OFFICE CHIEF OF ENGINEERS, UNITED STATES ARMY,
March 8, 1881.

Respectfully returned to the Adjutant-General United States Army, with a copy of the President's order and plats desired. The public lands at Fort Steilacoom are not required for the purposes of this Department.

H. G. WRIGHT,
Chief of Engineers, Brig. and Bvt. Maj. Gen.

[Inclosure to second indorsment.]

DEPARTMENT OF THE INTERIOR,
Washington, April 5, 1861.

SIR: I have the honor to submit herewith the letter of the Secretary of War of the 12th ultimo, recommending the reservation of three tracts of land at Fort Steilacoom, Wash., according to surveys and plats made in January last by order of Col. Silas Casey, commanding the post, and now inclosed with other papers.

On reference of the Secretary's letter and accompanying papers to the Commissioner of the General Land Office, he has reported that the tracts proposed for military reserves are within the limits of a region of country claimed by the Puget Sound Agricultural Company, under the fourth article of the treaty of June 15, 1846, with Great Britain (9 Stat., p. 870).

Some correspondence between the Departments of State and the Interior in reference to this claim transpired in November last, and my predecessor decided to defer, at that time, any action in reference to extending the public surveys over the lands, designing to call the attention of Congress to the existing state of facts. In his annual report of November 30, 1860, pp. 5 and 6 (copy herewith), a brief exhibit of the claim, and of his view in respect to the same, will be found. It is believed, however, that no definite action upon the subject was taken by Congress.

I therefore respectfully recommend that you order the proposed military reservations to be made according to the inclosed surveys, subject to any valid claim to the lands existing under the treaty of June 15, 1846.

Very respectfully, your obedient servant,

CALEB B. SMITH,
Secretary.

The PRESIDENT.

EXECUTIVE OFFICE, *April* 8, 1861.

Let the reservations be made as within recommended by the Secretary of the Interior.

ABRAHAM LINCOLN.

[Third indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, March 10, 1881.

Respectfully returned to the Secretary of War, inviting attention to preceding report of the Chief of Engineers that the public lands at Fort Steilacoom are not required for defensive purposes.

Attention is also invited to the copy of President's order and plats furnished by the Engineer Department, from which it will be seen that the reservation was declared subject to any valid claim arising under the fourth article of the treaty of June 15, 1846, and it is respectfully suggested that the papers be sent to the General Land Office for further information and report, with a view to determine whether the remaining tracts cannot be relinquished without Congressional action.

In February, 1872, the department and division commanders reported that the reservation would not be again required for military (garrison) purposes.

W. T. SHERMAN,
General.

WAR DEPARTMENT,
Washington, March 12, 1881.

SIR: I have the honor to return herewith the papers heretofore submitted to the Department of the Interior relative to the military reservation at Fort Steilacoom, Wash., together with a copy of the President's order declaring the reservation, and plats thereof, as furnished from the office of the Chief of Engineers.

From the several indorsements borne upon the letter from the Department of the Interior dated 15th ultimo, it will be perceived that the public lands at Fort Steilacoom are no longer required for defensive or garrison purposes, and that the reservation was declared subject to any valid claim arising under the fourth article of the treaty of June 15, 1846.

In view of these facts, and in accordance with the suggestion of the General of the Army, I ask that you will please inform the Department whether the remaining tracts cannot be relinquished without Congressional action.

With reply please return inclosed papers.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

To Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, June 15, 1881.

SIR: Your letter of March 12 last, inclosing maps and papers (returned herewith as requested) concerning the military reservation at Fort Steilacoom, Wash., and asking whether certain tracts in the reservation can be relinquished without Congressional action, was received and referred to the Commissioner of the General Land Office. I have the honor to inclose herewith copy of his report on the subject, under date of the 13th instant. He is of the opinion that there is no authority under existing laws for the disposal of said tracts by his office in case they should be relinquished by your Department.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

To Hon. SECRETARY OF WAR.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, June 13, 1881.

SIR: I have the honor to acknowledge the receipt, by reference from the department for report, of a letter from the honorable the Secretary of War, dated March 12, 1881, inclosing maps and papers referring to the military reservations at Fort Steilacoom, Wash., and asking if those portions of said reservations not already disposed of may not be relinquished to the Interior Department without Congressional action, such tracts being reported as no longer needed for defensive or garrison purposes. Reference is also made to the fact that said reservations were declared subject to any valid claim arising under the fourth article of the treaty of June 15, 1846.

In reply I have the honor to state that of the three tracts of land declared by the President on April 8, 1861, for military reservations at Fort Steilacoom, the post garden tract, comprising 126.25 acres, has been surveyed and connected with the lines of the public-land surveys by Deputy Surveyor B. S. B. Henry, under especial instructions from this office, dated March 22, 1881, and instructions from the United States surveyor-general, dated April 19, 1881. From the return of surveys made it appears that an area of 13.80 acres is covered by donation claim of J. Faucet, 27.83 by donation claim of Peter Smith, and the remaining 84.62 acres are absorbed by pre-emption filing of Peter J. Smith, thus covering the entire reservation of 126.25 acres.

The fuel reserve, comprising 160 acres, has also been connected with the public-land surveys, and there remains to the control of the War Department an area of 104.48 acres; 55.52 acres being covered by the pre-emption claims of H. D. Montgomery and Charles Clark.

The post reserve of one mile square, situated in townships 19 and 20 north, range 2 east, Willamette meridian, is covered in part by fractions of donation claims of T. M. Chambers and J. Van Buskirk; the remaining area of the reserve in section 33, not covered by donation claims, having been donated to Washington Territory by act of Congress approved April 15, 1874; that portion of the reserve in section 5, township 19 north, range 2 east, being entered as a pre-emption claim, there remains to the control of the War Department an area of 101.06 acres, and making an aggregate area of 205.54 acres.

I have also the honor to report that there is not in this office any record of a claim under the treaty of June 15, 1846, or under any act of Congress, to those portions of the post and fuel reserves at Fort Steilacoom described as vacant, and hence there is

no authority under existing laws for the disposal of said tracts by this office in case they should be relinquished by the War Department.

The letter of the honorable the Secretary of War and the accompanying papers are herewith returned.

I have the honor to be, very respectfully, your obedient servant,

C. W. HOLCOMB,
Acting Commissioner.

Hon. S. J. KIRKWOOD,
Secretary of the Interior.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, August 23, 1881.

SIR: Referring to reports from your office dated February 14 and June 13, 1881, in the matter of the military reservations at Fort Steilacoom, Wash., based upon letters of inquiry from the Secretary of War, I have the honor to request that, if practicable, you will cause this office to be furnished with a plat showing the relative location of the post, fuel, and garden reserves, according to the Land Office surveys, also indicating the portions that have been disposed of and those remaining under military control, as noted in said reports.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., October 5, 1881.

SIR: I have the honor to acknowledge the receipt of your letter, dated the 23d August last, requesting to be furnished with a plat showing the relative location of the post, fuel, and garden reserves at Fort Steilacoom, Wash., and indicating the portions of said reserves that have been disposed of and those remaining under military control as noted in reports from this office to the department February 14 and June 13, 1881.

In reply I transmit, herewith inclosed, a tracing from a portion of the plats of townships 19 and 20 north, range 2 east, and township 19 north, range 3 east, Willamette meridian, Washington Territory, showing the location of said reserves, and indicating by areas expressed in black ink the portions undisposed of and remaining under the control of the War Department.

Upon a recalculation of areas of the tracts not sold or otherwise disposed of, it is found that they vary slightly from those mentioned in the reports referred to, as follows: The post reservation containing 99.78 acres, instead of 101.06 acres; the fuel reservation containing 104.59 acres, instead of 104.48 acres; and the post garden reserve, exclusive of that part embraced in donation claims and patented, containing an area of 84.64 acres, instead of 84.62 acres as reported. The latter tract of 84.64 acres, although covered by a declaratory statement filed by a pre-emptor prior to the date when the reserve was surveyed and represented upon the township plat, was not filed upon until long after the reservation was declared; hence it would still remain under control of the War Department until relinquished by authority of an act of Congress.

Very respectfully, your obedient servant,

N. C. MCFARLAND,
Commissioner.

General R. C. DRUM,
Adjutant-General, U. S. A., Washington, D. C.

BRIEF IN THE MATTER OF "TIMBER RESERVATION" YEAR, WHIPPLE BARRACKS, ARIZ.

Under date of June 20, 1873, the President of the United States by Executive order, declared a military timber reservation six miles south of the post of "Fort Whipple," now Whipple Barracks, Ariz., with area and boundaries as announced in the following order:

[General Orders No. 26.]

HEADQUARTERS DEPARTMENT OF ARIZONA,
Prescott, August 5, 1873.

The following-described lands having been set apart by the President and designated, as a timber reservation, Fort Whipple, Ariz., the metes and bounds are announced for the information of all concerned:

Commencing at the northwest corner of the west half of the northeast quarter,

section 34, of township 13 north, range 2 west, thence eastwardly 60 chains to a stone monument; thence south 80 chains to a stone monument on township line between townships 12 and 13 north, range 2 west; thence westwardly along said township line 120 chains; thence north 40 chains to a point on the southern boundary of present timber reserve; thence eastwardly along said boundary 60 chains to southeast corner of said reserve; thence north 40 chains to point of beginning, the whole embracing 720 acres.

By command of Brevet Major-General Crook.

A. H. NICKERSON,
Captain Twenty-third Infantry, A. D. C., and A. A. A. General.

This action was in accordance with recommendation of department and division commanders, and to enable the Quartermaster's Department to procure lumber required for construction and completion of certain buildings at posts in that department at a reasonable rate.

It being understood at department headquarters in June, 1879, that this timber reservation had been *relinquished* under act of Congress approved June 22, 1874, and War Department letters of December 7, 1874, and October 21, 1875, to the Secretary of the Interior, relinquishing portions of the "Fort Whipple military reservation" not longer required for military purposes (said reservation having been *relocated* by Executive order dated October 19, 1875, and the new boundaries announced in General Order No. 34 of 1875, from department headquarters), while such was *not* the understanding of this Department, inquiry was made by War Department letter of August 1, 1879, addressed to the Commissioner of the General Land Office, whether the "timber reserve" was held to have been relinquished as above; also, whether, if not so regarded, it could *then* be relinquished, if deemed advisable, without additional legislation.

In reply, the acting Commissioner stated that it *had not* been regarded by his office as relinquished by the Secretary of War under the act in question; but inasmuch as it is not regarded as a military site, he suggested that, if the Government had no further use for it, the President's order might be obtained *canceling* the order of June 20, 1873 (creating the reserve), and then the land might be disposed of under existing laws.

The papers having been returned to the division commander for report as to whether or not the timber reserve is still required for military purposes, to the end that if not required proper steps might be taken for its relinquishment, were returned to this office, with report of the department chief quartermaster, that said reserve is no longer required, and that from what he can learn the Government has not for several years past used any timber from the reserve for building or other purposes; also with proceedings of a board of officers, convened by orders of July 5, 1881, from department headquarters (at request of the division commander), to determine and report the quantity of timber thereon suitable for lumber and fuel, and as to whether or not it should be retained by the Government.

The report of the board is as follows:

"The board has visited the late site of the Government saw-mill and its vicinity. The little timber there remaining is in almost inaccessible places, and for that cause of little or no market value.

"Since the working of the Government saw-mill was discontinued the timber on the reservation appears to have been cut by private parties, who have since moved their mill, on account of the exhaustion of that tract.

"The board has been unable to form an estimate of the quantity, as the trees are irregularly scattered, and those fit for timber very few.

"What little growth remains might be available for fuel, but the distance of the reservation (about six miles) and the plentiful supply of fuel nearer makes it unlikely that the rate of future fuel contracts could be affected by the retention of the reservation.

"The board therefore recommends relinquishment."

The proceedings of the board bear the approval of the department commander.

Upon reference, the Quartermaster-General concurs, and recommends that the reservation be abandoned to the Interior Department.

It has long been held by the War Department that "once properly declared by the President, military reservations cannot be relinquished or otherwise disposed of *without the sanction of* Congress." (*Vide* Wilcox *vs.* Jackson, 13 Pet., 513; 10 Op., 365.)

And in an opinion of Attorney-General McVeagh, dated as recent as July 20, 1881, in the case of the "hay reservation" at Fort Fetterman, Wyo., in reply to the following question of the Secretary of War:

"When a reservation of public lands is made by the President for military purposes, and at some subsequent period such lands become no longer necessary for the purposes for which they were reserved, *may the President by a revocation of his order* restore the lands to the public domain?" The Attorney-General was of opinion that the question propounded must be answered *in the negative*, and that "in the case pre-

sented by your question I am accordingly of opinion (concurring in the views of my predecessors above referred to) that the lands cannot be restored to the public domain *by the Executive* without authority from Congress."

From the foregoing it would appear that the suggestion of the acting Commissioner of the General Land Office, that the executive order of June 20, 1873, be canceled by the President, is impracticable, and that the disposition of the timber reservation near Whipple Barracks, Ariz., is a question for the action of Congress.

Respectfully submitted.

C. McKEEVER,
Assistant Adjutant-General, in charge.

ADJUTANT-GENERAL'S OFFICE,
Washington, September 15, 1881.

WAR DEPARTMENT,
Washington, September 28, 1881.

SIR: Referring to previous correspondence respecting the relinquishment of a portion of the Fort Whipple military reservation in Arizona under the provisions of an act of Congress approved June 22, 1874 (18 Stat., p. 201), I have the honor to state that the subject has received further consideration with special reference to the necessity for the further retention of said reservation for military purposes.

Observing that in your letter of August 11, 1879, you state, in reply to inquiry from this Department, that the timber reservation near Prescott, set apart for Government use by an executive order of a different date from that declaring Fort Whipple, was nowhere mentioned as a part of Fort Whipple Reservation, and therefore has not been regarded by your office as relinquished by the Secretary of War under the above-mentioned act of Congress, and suggest that, inasmuch as the said timber tract is not regarded as a military site, the President's order might be obtained canceling the order of June 20, 1873, declaring said timber reservation, and that the land might then be disposed of under existing laws, I beg to state that whilst it appears that the reservation in question is no longer needed for military purposes, the decision of the Supreme Court in the case of Wilcox *vs.* Jackson (13 Pet., 513; 10 Op., 355), and the opinion of the honorable the Attorney-General of July 21, 1881, in the case of the "hay reservation" at Fort Fetterman, Wyo., are regarded by this Department as conclusively establishing the fact that the timber reservation of Fort Whipple, having been declared by the President, cannot be restored to the public domain by the Executive without authority from Congress.

Very respectfully,

ROBERT T. LINCOLN,
Secretary of War.

The COMMISSIONER OF THE GENERAL LAND OFFICE.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE.
Washington, December 18, 1880.

SIR: I have the honor to inform you it appears from the records that under date of 6th April, 1859, the President of the United States declared and set apart for military purposes a tract of land embracing 100 acres, situated on Sulphur Creek, Utah Territory, about 26 miles from Fort Bridger, said tract now being included in Uinta County in the Territory of Wyoming, and also embracing the "coal mines" on Sulphur Creek.

The General of the Army desires you to report to this office, for the information of the Secretary of War, whether or not said lands are now occupied or further desired for military purposes, and whether there are any Government buildings or improvements thereon, to the end that if not so required they may be reported to Congress for relinquishment or sale.

An early reply is desired.

I am, sir, very respectfully, your obedient servant,

CHAUNCEY McKEEVER,
Assistant Adjutant-General.

The COMMANDING GENERAL, DEPARTMENT OF THE PLATTE.
(Through Headquarters Military Division of the Missouri.)

[Indorsements.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, December 21, 1880.

Respectfully transmitted to the commanding general, Department of the Platte.
By command of Lieutenant-General Sheridan.

WM. D. WHIPPLE,
Assistant Adjutant-General.

To the chief engineer officer—remark.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Engineer Office, Fort Omaha, Nebr., January 26, 1881.

Respectfully returned to the adjutant-general of the department with a tracing from a copy of the official township plat, secured from the office of the surveyor-general of Wyoming, showing the location of the reservation as given by the public land surveys, and with reference to Fort Bridger.

The reservation contains $99\frac{17}{100}$ acres, is 24 miles south, 61° 30′ west, from Fort Bridger, and only one-half mile from the Union Pacific Railway. It was reserved upon the recommendation of Maj. (and Bvt. Lieut. Col.) E. R. S. Canby, Tenth Infantry, commanding Fort Bridger, to embrace "the coal mines on Sulphur Creek."

On the plat of the original military survey of the tract, two coal beds are indicated within and near its west boundary.

The field notes of the public land survey mention prospecting shafts and indications, and outcroppings of coal in its vicinity, also that several coal banks are opened in the township (14 north, range 119 west), and that it is said that oil can be procured there.

I would respectfully invite attention to the fact that the reservation lies in a section (odd numbered) belonging to the Union Pacific Railway Company, and that its relinquishment as a military reservation may perhaps result in transferring it to that company.

W. S. STANTON,
Captain of Engineers, Chief Engineer of Department.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Fort Omaha, Nebr., January 31, 1881.

Respectfully referred to the commanding officer, Fort Bridger, Wyo., for remark. Please return.

By command of Brigadier-General Crook.

R. WILLIAMS,
Assistant Adjutant-General.

HEADQUARTERS, FORT BRIDGER, WYO.,
February 8, 1881.

Respectfully returned.

The reservation is not now occupied or desired for military purposes, and the records of this office do not show that there are, or have been, any Government buildings or improvements thereon.

WILLIAM H. BISBEE,
Captain Fourth Infantry, Commanding Post.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
ASSISTANT ADJUTANT-GENERAL'S OFFICE,
Fort Omaha, Nebr., February 14, 1881.

Respectfully referred to the chief quartermaster of the department, for remark as to whether the coal mines on the land in question can be made useful to the Government.

By command of Brigadier-General Crook.

R. WILLIAMS,
Assistant Adjutant-General.

CHIEF QUARTERMASTER'S OFFICE,
DEPARTMENT OF THE PLATTE,
Fort Omaha, Nebr., February 15, 1881.

Respectfully returned to the adjutant-general, Department of the Platte.

Considering the location of the reservation, it would not in my opinion be at all advantageous for the Quartermaster's Department to undertake to work any coal mines which may be on the property.

M. I. LUDINGTON,
Chief Quartermaster.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Fort Omaha, Nebr., February 23, 1881.

Respectfully returned through the office of the assistant adjutant-general, United States Army, Headquarters Military Division of the Missouri, to the Adjutant-General of the Army, Washington, D. C., inviting attention to the indorsement of the commanding officer, Fort Bridger, Wyo., and the chief quartermaster of the department, fifth and seventh, hereon, which are concurred in.

GEORGE CROOK,
Brigadier-General Commanding.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, February 26, 1881.

Respectfully forwarded to the Adjutant-General of the Army.

P. H. SHERIDAN,
Lieutenant-General Commanding.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, March 3, 1881.

Respectfully referred to the Quartermaster-General for an expression of his views. To be returned.
By order of the Secretary of War.

C. McKEEVER,
Assistant Adjutant-General.

QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 11, 1881.

Respectfully returned to the honorable Secretary of War.
I recommend that this coal reservation be restored to the public lands under control of Interior Department—Land Office.

M. C. MEIGS,
Quartermaster-General, Bvt. Maj. Gen., U. S. A.

[Extract 6419, A. G. O., 1881.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, November 28, 1881.

SIR: I have the honor to make known the following views and requests to the General of the Army:

* * * * * * *

I propose to ask the Secretary of War to abandon Forts Wallace and Dodge in the spring. They are of no earthly use now. The supplies for Forts Supply and Elliot go via Dodge City, so that Fort Dodge is not now even on a line of supply and Wallace is valueless.

* * * * * * *

Trusting that my views as herein stated will meet with the approbation of the General of the Army and Secretary of War,
I remain, very respectfully, your obedient servant,

P. H. SHERIDAN,
Lieutenant-General Commanding.

ADJUTANT-GENERAL OF THE ARMY,
Washington, D. C.

[First indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, December 1, 1881.

Respectfully submitted to the honorable Secretary of War.
This letter illustrates what I endeavored to demonstrate in my annual report of November 3.
It is only twelve years since Forts Dodge and Wallace were in the heart of the buffalo and Indian region. They have fulfilled their work and must be abandoned. Each year presents a new problem, and it is the special office of the division commander to study the best means of defeuse so as to protect new interests.

* * * * * * *

W. T. SHERMAN,
General.

[Extract from indorsements on 5954, A. G. O., 1881.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, November 30, 1881.

Respectfully returned to the General of the Army.

* * * * * * *

I wish, however, to recommend the abandonment of Forts Dodge and Wallace. They have fulfilled their mission and are of no earthly use. In the early spring I will recommend the abandonment of these posts. Fort Lyon, also, is of no use, but

it is as yet in a wild cow-boy country, and has good quarters for troops, and should last some time longer.

P. H. SHERIDAN,
Lieutenant-General Commanding.

HEADQUARTERS OF THE ARMY,
Washington, December 6, 1881.

Respectfully submitted to the honorable Secretary of War, for his information, recommending that unless Congress pass a general law for the disposition of old posts, as recommended in my annual report, that authority be asked for the sale of Forts Dodge, Wallace, and Lyon.

W. T. SHERMAN,
General.

[General Orders No. 25.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kansas, August 13, 1868.

General Orders, No. 18, C. S., from these headquarters, is hereby amended to read as follows:

I. Subject to the approval of the Secretary of War, the military reservation at Fort Lyon, C. T., is designated as follows:

The initial point is one mile sixteen hundred and ninety-two yards and one foot north 11° west from the southwest corner of the commissary warehouse; thence the boundary line of the reserve runs west 21° south for two miles five hundred yards; thence west for two miles three hundred yards; thence south for four hundred and sixty-six yards and two feet, to a stone on the north bank of the Arkansas River; thence along the north bank of said river in an easterly direction, and including all islands in said river, to a stone at the point of Stein's Bluff (which stone bears east 26° north from the commissary warehouse, and being distant therefrom about two miles and thirteen hundred and ten yards); thence the boundary line runs north thirteen hundred and twenty yards, and thence west two miles thirteen hundred and twenty yards to the initial point.

The points of the compass mentioned are true points, not magnetic.

The variation of the compass was 14° east.

The reservation contains nine square miles one hundred and fourteen acres and four thousand and eighty square yards. Each corner of the reserve is marked by a cut stone (gray sandstone), having U. S. Mil. Res. chiseled on one side. Every half mile along the boundary line is marked by a wooden stake, having U. S. Mil. Res. painted on it.

By command of Major-General Sheridan.

CHAUNCEY McKEEVER,
Assistant Adjutant-General.

[General Orders No. 17.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans,, May 29, 1868.

Subject to the approval of the Secretary of War, the military reservation at Fort Dodge is designated as follows:

The initial point is three miles nine hundred and ninety-three yards east 23° 47′ south of the flagstaff. thence the boundary of the reservation runs fourteen miles north, thence four miles and one-half west, thence one mile south 26° west, thence ten miles south, thence three miles west, thence four hundred and nineteen yards south to the north bank of the Arkansas River, thence along the north bank of said river in a southeasterly direction to the initial point.

The points of the compass mentioned are true points, not magnetic.

The variation of the compass in March, 1868, when the survey was made, was 13° east.

At each corner of the reservation a cut stone (gray sandstone) is sunk, having "U. S. Mil. Res." chiseled on one side. Every half mile along the boundary line there is a wooden stake painted "U. S. Mil. Res." The stone at the southeast corner is set back fifteen feet, with a stake at the edge of the bank.

The reservation contains 67 square miles 581 acres and 1,680 square yards, more or less.

By command of Major-General Sheridan.

CHAUNCEY McKEEVER,
Assistant Adjutant-General.

LAWS OF THE UNITED STATES PASSED AT THE THIRD SESSION OF THE FORTY-SIXTH CONGRESS.

[PUBLIC—No. 1.]

AN ACT to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers, under the provisions of the homestead laws, and for other purposes.

Whereas, that portion of the Fort Dodge military reservation hereinafter described is no longer needed for military purposes: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That it shall be the duty of the Secretary of the Interior to cause all that portion of the Fort Dodge military reservation, in the State of Kansas, being and lying north of land owned and occupied by the Atchison, Topeka and Santa Fé Railroad Company for right of way for its railroad; and to cause the same to be surveyed, sectionized, and subdivided as other public lands, and after said survey to offer said lands to actual settlers only, under and in accordance with the homestead laws of the United States: *Provided,* That the said Atchison, Topeka and Santa Fé Railroad Company shall have the right to purchase such portion of said reservation as it may need for its use adjoining that now owned by it, not exceeding one hundred and sixty acres, by paying therefor the price at which the same may be appraised, under the direction of the Secretary of the Interior.

SAM. J. RANDALL,
Speaker of the House of Representatives.
W. A. WHEELER,
Vice-President of the United States and President of the Senate.
R. B. HAYES.

Approved, December 15, 1880.

[General Orders No. 24.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kansas, August 8, 1868.

General Orders No. 126, 1st series of 167, from these headquarters is hereby amended to read as follows:

I. Subject to the approval of the Secretary of War, the military reservation at Fort Wallace is designated as follows:

The initial point is one mile north of the south end of the quartermaster's storehouse, thence the boundary line of the reserve runs five miles east, thence two miles south, thence seven miles west, thence two miles north, and thence two miles east to the initial point.

The points of the compass mentioned are true points, not magnetic.

The variation of the compass in June, 1867, when the survey was made, was 13° 52′ east.

The reservation contains fourteen square miles.

* * * * * * *

By command of Major-General Sheridan.

CHAUNCEY McKEEVER,
Assistant Adjutant-General.

[H. Ex. Doc. No. 90, Forty-sixth Congress, third session.]

Letter from the Secretary of War, relative to the disposition of abandoned military reservations.

FEBRUARY 7, 1881.—Referred to the Committee on Military Affairs.
FEBRUARY 17, 1881.—Ordered to be printed, with the accompanying papers.

WAR DEPARTMENT,
Washington City, February 7, 1881.

SIR: Referring to my letter of the 4th instant, transmitting a list of useless military reservations, which was laid before the House and referred to your committee on the 5th instant, I beg to request that the letter and accompanying documents be printed. Such documents have as a rule been printed heretofore and are valuable for reference. This list was carefully prepared. It contains much valuable information, and took considerable time to prepare. It should, therefore, be printed for the use of this Department.

Very respectfully, your obedient servant,

ALEX. RAMSEY,
Secretary of War.

Hon. W. A. J. SPARKS,
Chairman Committee on Military Affairs,
House of Representatives.

WAR DEPARTMENT,
Washington City, February 4, 1881.

SIR: I have the honor to transmit herewith a list of military reservations reported as no longer needed for military purposes, and still in the custody of the War Department.

Special attention is invited to this list, which embraces twenty-four different military sites, twenty-two of which have heretofore been reported to Congress with request for authority to dispose of the same, as the act of June 12, 1858 (11 Stats., p. 336, ch. 156), provides that "said lands shall not be subject to sale or pre-emption under any of the laws of the United States."

The act of March 3, 1819 (3 Stats., p. 520, ch. 88), authorized the Secretary of War, under the direction of the President, to sell military sites which *had* become useless for military purposes, and the act of March 3, 1857 (11 Stats., p. 203, ch. 106), extended this authority to *all* military sites which *are or may become* useless. The act of June 12, 1858, above referred to, however, repealed all existing laws which authorized the sale of useless military sites (see abstract of laws on this subject hereto attached), and since then sites reported by the military authorities as no longer of any use for military purposes have been reported to Congress with request for special legislation. But from the time such a site is so reported until an act of Congress is passed authorizing its disposition, the Department is of necessity compelled to provide for its care and preservation, and as several years generally elapse before such an act is passed the care of such useless reservations is a considerable tax upon the reduced appropriations of the Department.

The retention of such reservations is also objectionable on other grounds, as will be seen from the following extract from a letter of the Commissioner of the General Land Office, dated September 11, 1877, to the honorable Secretary of the Interior. He says:

"Applications are frequently made to this office, by persons who are settlers in good faith, for permission to enter lands which at some former period were reserved for military purposes by the President, or were occupied by the military authorities, but are not now used for military purposes.

"The law of June 12, 1858 (vol. 11, p. 336), forbids the sale or disposal of military sites which are or may become useless for military purposes, except those in Florida.

"This prohibition of the sale of useless military reservations is believed by this office to be adverse to the public interests, inasmuch as it prevents the acquisition of title to lands which the Government does not longer need to retain."

In view of the foregoing, I have the honor to respectfully request that authority be granted during the present session of Congress to dispose of the reservations mentioned in the inclosed list, and that a general law be passed authorizing the Secretary of War to transfer such military sites as are or may hereafter become useless for military purposes to the custody of the Secretary of the Interior, for disposition under the general land laws, or such other disposition as may be deemed for the best interests of the United States. The buildings, if any, on such sites to be disposed as the Secretary of War may determine, either by transfer in whole or in part to other posts where needed, by separate sale, or transfer to the Secretary of the Interior for sale with the land.

In this connection I would invite attention to my letters of the 23d of April, 1880, and January 6, 1881, reporting the necessity for the establishment in the office of the Secretary of War of a land-title division, which shall have charge of all matters pertaining to lands in the custody of the War Department. The necessity for such a division becomes more and more urgent every year, and I would earnestly request that action be taken during the present Congress which will authorize the establishment of such a division and the necessary appropriation be made therefor.

In view of the importance of this subject, I beg to request that this letter and the accompanying documents be printed.

Very respectfully, your obedient servant,

ALEX. RAMSEY,
Secretary of War.

The SPEAKER *of the House of Representatives.*

Laws in regard to sale of military sites.

AN ACT authorizing the sale of certain military sites.

Be it enacted, &c., That the Secretary of War be, and he is hereby, authorized, under the direction of the President of the United States, to cause to be sold such military sites belonging to the United States as may have been found or become useless for military purposes. And the Secretary of War is hereby authorized, on the payment

of the consideration agreed for into the Treasury of the United States, to make, execute, and deliver all needful instruments, conveying and transferring the same in fee; and the jurisdiction which had been specially ceded for military purposes to the United States by a State over such site or sites shall thereafter cease.

Approved March 3, 1819.—(3 Stat., p. 520, ch. 88.)

Act April 28, 1828.

SECTION 1. In all cases where lands have been or may hereafter be conveyed to, or for, the United States, for forts, arsenals, dock-yards, light-houses, or any like purpose, or in payment of debts due the United States, which shall not be used, or necessary for the purposes for which they were purchased, or other unauthorized purpose, it shall be lawful for the President of the United States to cause the same to be sold for the best price to be obtained, and to convey the same to the purchaser by grant or otherwise.—(4 Stat., p. 264.)

Act March 3, 1857, 11 Stat., p. 203, ch. 106.

SEC. 4. That the provisions of the act approved March 3, 1819, entitled "An act authorizing the sale of certain military sites," be, and they are hereby, extended to all military sites, or to such parts thereof which are or may become useless for military purposes: *Provided, nevertheless,* That nothing in this act, nor in the act above mentioned, shall be so construed as to impair in any wise the right of the State within which any such site or reservation may be situated to impose taxes on the same, in like manner as upon other lands or property owned by individuals within the State after such sale.

Act June 11, 1858, 11 Stat., p. 336, ch. 156.

SEC. 6. That all the existing laws, or parts of laws, which authorized the sale of military sites which are or may become useless for military purposes be and the same are hereby repealed, and said lands shall not be subject to sale or pre-emption under any of the laws of the United States: *Provided, further,* That the provisions of the act of August 18, 1856,* relative to certain reservations in the State of Florida, shall continue in force.

[Senate Ex. Doc. No. 158, Forty-sixth Congress, second session.]

Letter from the Secretary of War, transmitting a report relative to the public lands, forts, arsenals, &c., in the custody of that Department, and recommending the creating in his office a division designated as "Land Title Division," and provision made therefor.

APRIL 26, 1880.—Laid on the table and ordered to be printed.

WAR DEPARTMENT,
Washington City, April 23, 1880.

The Secretary of War has the honor to transmit to the United States Senate a copy of a report prepared in compliance with his instructions by the chief of the correspondence division of this Department, relative to the subject of public lands, forts, arsenals, &c., in the custody of the War Department.

This report presents succinctly and with clearness the laws, decisions, and regulations governing the subject, and points to the inconvenience, delay, and error which, under the existing regulations, are liable to occur in the determining of questions that are constantly arising in regard to titles and other matters connected with these lands, forts, &c.

When it is considered that the lands occupied for military purposes, including forts, arsenals, armories, &c., and in the custody of the War Department, represent an estimated value of about $200,000,000, it becomes clearly obvious that the public interests require that the transfer deeds and all other papers affecting the question of title, which are now scattered through several of the Department bureau offices should be collected, recorded, and filed, for safe and permanent preservation, in the office of the Secretary of War, and that there should be provided a system of record, exhibiting in

---

*Section 1, act August 18, 1856 (11 Stat., p. 87. ch, 129), provides "That all public lands heretofore reserved for military purposes in the State of Florida, which said lands, in the opinion of the Secretary of War, are no longer useful or desired for such purpose, or so much thereof as said Secretary may designate, shall be and are hereby placed under the control of the General Land Office, to be disposed of and sold in the same manner and under the same regulations as other public lands of said United States: *Provided,* That said lands shall not be so placed under the control of said General Land Office until said opinion of the Secretary of War, giving his consent, communicated to the Secretary of the Interior in writing, shall be filed and recorded."

detail all known facts connected with each piece or parcel of property, and of the action had by the Department, from time to time, in relation thereto, in order that all questions, as they arise, may be promptly and intelligently determined.

The Secretary of War, in the absence of legislation, is unable to inaugurate the desired measures, and viewing the subject as one involving considerations of great import, respectfully and urgently recommends that legislation be had during the present session of Congress creating in this office a division to be designated and known as the "Land-Title Division," and that provision be made for employés therein as follows, namely:

One chief of division, at an annual salary of	$2,500
One assistant chief of division, at an annual salary of	2,000
One clerk of class four, at an annual salary of	1,800
One draughtsman, at an annual salary of	1,800
One clerk of class three, at an annual salary of	1,600
One clerk of class one, at an annual salary of	1,200
One assistant messenger, at an annual salary of	720

ALEX. RAMSEY,
Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

WAR DEPARTMENT,
Correspondence Division, April 19, 1880.

Mr. SECRETARY: In compliance with your instructions, I have the honor to report on the subject of the real estate in the custody of the War Department.

The law, decisions, and Army Regulations on this subject are, in part, as follows:

LAW AND DECISIONS.

"No land shall be purchased on account of the United States, except under a law authorizing such purchase." (Revised Statutes, section 3736; also paragraph 1058, Army Regulations, edition of 1863.)

"No public money shall be expended upon any site or land purchased by the United States for the purpose of erecting thereon any armory, arsenal, fort, fortification, navy-yard, custom-house, light-house, or other public building, of any kind whatever, until the written opinion of the Attorney-General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be to such purchase has been given," &c. (Revised Statutes, section 355; paragraph 1859, Army Regulations 1863, almost identical.)

"From an early period of the history of the Government it has been the practice for the President to order, from time to time, as the exigencies of the public service required, parcels of land belonging to the United States to be reserved from sale and set apart for public uses, and the authority of the President is recognized in numerous acts of Congress." (*Grisar* v. *McDowell*, 6 Wall., 381.)

Reservations for forts, &c., in Oregon (including Washington and Idaho Territories), limited to 640 acres. (Acts Sept. 27, 1850, section 14, 9 Statutes, 500; and Feb. 14, 1853, section 9, 10 Statutes, 159.)

Once properly declared by the President, military reservations cannot be relinquished or otherwise disposed of without the sanction of Congress. (*Wilcox* v. *Jackson*, 13 Peters, 513; 10 Opin., 365.)

Exception: Military reservations in Florida set apart prior to August 18, 1856, when no longer required, can be relinquished by the Secretary of War to the Interior Department for disposition by the General Land Office. (Act June 12, 1858, ch. 156, section 6, 11 Statutes, 336.)

ARMY REGULATIONS.

Paragraph 1061. "Complete title papers, with full and exact maps, plans, and drawings of the public lands purchased, appropriated, or designed for permanent military fortifications, will be collected, recorded, and filed in the Bureau of the Corps of Engineers; of the public lands appropriated or designated for armories, arsenals, and ordnance depots, will be collected, ordered, and filed in the Ordnance Bureau; of all other land belonging to the United States, and under the charge of the War Department, for barracks, posts, cantonments, or other military uses, will be collected, recorded, and filed in the office of the Quartermaster-General of the Army."

Paragraph 1062. "A copy of the survey of the land at each post, fort, arsenal, and depot, furnished from the proper bureau, will be carefully preserved in the office of the commanding officer."

RECAPITULATION.

From the foregoing it will be seen that lands are acquired by the War Department either by purchase or reservation of public land. When acquired they can be dis-

posed of only with the consent of Congress, except lands in Florida set apart prior to August 18, 1856.

That the quantity of land that may be reserved for military sites is unlimited, except in the State of Oregon and in Washington and Idaho Territories.

The *regulations* require title papers, maps, plans, and drawings to be collected, recorded, and filed, as follows:

For permanent military fortifications, Bureau of the Chief of Engineers.

For armories, arsenals, and ordnance depots, in the Ordnance Bureau.

All other lands for barracks, posts, cantonments, or other military uses, in the office of the Quartermaster-General.

Copy of the survey in the office of the commanding officer.

The following statement shows the number of military posts, &c., at various periods of the Government:

Number of posts in 1802	27	See letter of Secretary Calhoun of December 11, 1818.
Number of posts in 1818	73	
Number of posts in 1860	154	Memoranda, page 480, Burnside report on the reorganization of the Army.
Number of posts in 1878	212	
Number of posts occupied by troops in 1860	77	
Number of posts occupied by troops in 1878	146	
Number of arsenals in 1860	23	
Number of arsenals in 1878	18	
Number of posts occupied by troops in 1880	140	Army register for 1880.
Number of posts in charge of ordnance sergeant in 1880	47	
Number of arsenals in 1880	18	
Number of recruiting depots in 1880	3	
Number of engineer depots in 1880	1	
Number of national cemeteries in 1880	78	
Total posts, &c	287	

This statement does not include a number of reservations for fortifications, a number of "abandoned" military posts now in charge of agents of the Quartermaster's Department, also some property which has probably been lost sight of, as in the accompanying list of real estate purchased by the United States since July 4, 1776, and in the custody of the War Department on the 14th of February, 1825 (House Ex. Doc. No. 92, 19th Congress, 1st session), there are 198 pieces of property mentioned.

It is almost impossible to form an estimate of the value of this property. It probably aggregates more than $200,000,000. General Benét, in a statement dated April 5, 1872, reported the value of arsenal and armories in 1821 as $2,420,084, and the value of arsenals and armories on June 30, 1871, as $11,301,621.78; and this includes but one-sixteenth of the posts reported in the present Army Register, without considering abandoned military posts and other real property.

There are a number of military reservations which are of no further use for military purposes, and every year the number increases.

It is the custom of the Secretary of War to report such cases to Congress as soon as they are brought to his notice, and ask for authority to transfer the reservation to the custody of the Secretary of the Interior for sale or disposition under the general land laws. As a rule, several years elapse before such authority is granted, and in the mean time trespassers come upon the reserves as soon as the troops leave, and when rejected they appeal to the Department to reinstate them in possession of land to which oftentimes they have no shadow of claim.

These claims are a source of constant annoyance, and in addition there is the expense of an agent to take care of each "abandoned" reservation. It would be a benefit to the public service if a general law were passed authorizing the Secretary of War to dispose of useless military reservations, either by sale or by transfer to the custody of the Department of the Interior for disposition under the general land laws, or in such other manner as Congress may provide.

The regulations for the preservation of the title-papers, &c., of reservations (par. 1061, quoted above), should be amended so as to provide for a central office under the chief clerk in the War Department, where all such papers should be recorded, and preserved when completed. The present regulations provide that certain title-papers shall be filed in the Bureaus, but it is often found necessary, when a question of title occurs, to search in several of the Bureaus of the Department, in order to collect the papers. Many of the original deeds are on file or of record in the office of the Secretary of War. Time, which is sometimes of vital importance, is thus consumed, and occasionally it happens that important papers are overlooked, as was the case in the Presidio Reservation, when, but for Mr. Crosby's memory, a very important survey would have been overlooked, and the title to the property been jeopardized.

Where such valuable property is concerned, every precaution should be taken to guard against the loss of papers and to provide for their being duly recorded and preserved; and for this purpose there should be in the office of the Secretary of War a division of land records, in which should be filed the title-papers, &c., of all lands in the custody of the War Department, as well as other papers relating thereto. It should be the business of this division to see that all deeds are duly recorded; that the opinion of the Attorney-General as to the validity of title is obtained; that cession of jurisdiction is obtained when necessary; and that a plat of the site is filed. As rapidly as possible a history of each piece of property should be prepared, giving—

1st. Location.

2d. Descriptions by metes and bounds; number of acres. If any changes, their character and the authority therefor.

3d. Buildings—number, kind, condition, and what other improvements.

4th. A plat of the site.

5th. How and when acquired; whether by purchase or reservation of public lands.

6th. Whether or not such possession has been continuous, giving facts.

7th. If reserved public land, whether prior to occupation by War Department there were settlements on the land; and, if so, what action has been taken relative thereto.

8th. If located within a State, has jurisdiction been ceded to the United States? Give date of act of cession, and see that a duly certified copy of the act is on file. In cases where there is a general land law of a State ceding jurisdiction over land purchased for military purposes, cite the act.

9th. If purchased, give date of opinion of Attorney-General as to validity of title.

10th. Whether the land is still required by the War Department.

Such a division should have a chief, whose pay should equal the pay of a chief of division in the office of the Secretary of the Treasury. As it will be necessary for the chief to be absent at times, investigating cases, there should be an assistant chief. There should also be a draughtsman, and, say, one clerk of the fourth class, one third-class clerk, one first-class clerk, and one messenger. This force would be needed at first to bring up the records to date; then probably the force could be diminished.

Very respectfully, your obedient servant,

JOHN TWEEDALE,
Chief of Division.

The Hon. SECRETARY OF WAR.

Approved.

H. T. CROSBY,
Chief Clerk.

WAR DEPARTMENT,
Washington City, January 6, 1881.

The Secretary of War has the honor to invite the attention of Congress to his letter of the 23d April, 1880, transmitting a report relative to the public lands, forts, arsenals, &c., in the custody of the War Department, and recommending the creation of a division in his office to be known as the "Land-Title Division." (See Senate Ex. Doc. No. 158, Forty-sixth Congress, second session, copy inclosed; also book of estimates for the fiscal year ending June 30, 1882, pages 34 and 204.)

Special attention is again called to this matter on account of its importance. Questions are constantly arising which involve the jurisdiction of the United States over lands reserved for military purposes which might be avoided, or, at least, more easily settled and without the delay now occurring, if the Department had the means of bringing all the title papers together, and having them examined by persons skilled in such work. They are now scattered through all the bureaus of the War Department, and it is the particular business of no one to make examinations, to collate facts, and to be fully informed of opinions and decisions governing this class of cases. Such cases as they arise are incidental to other current work of the department on which the clerical force is fully engaged.

Under the existing system it is difficult to determine such questions speedily, and great care is necessary, in order that the cases may be fully presented, and no important opinions and decisions overlooked.

The department has not the force to inaugurate a new system, and for the purpose of facilitating the public business, and putting the work on such a basis that the liability to mistakes shall be reduced to the minimum, I have submitted the estimate on page 34 of the book of estimates, and earnestly recommend the same to the favorable consideration of Congress.

Respectfully submitted.

ALEX. RAMSEY,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

LIST OF MILITARY RESERVATIONS REPORTED AS NO LONGER NEEDED FOR MILITARY PURPOSES, AND STILL IN THE CUSTODY OF THE WAR DEPARTMENT.

The following is a list of military reservations and portions of reservations which have been reported as no longer needed for military purposes, and which are still in the custody of the War Department. Compiled from information in the Adjutant-General's Office:

1. Bois Blanc Island ..... Michigan.
2. Fort Butler ..... New Mexico.
3. Camp Cady ..... California.
4. Fort Crittenden ..... Utah.
5. Camp Critenden ..... Arizona.
6. Camp Crook* ..... California.
7. Fort Fetterman (old wood reservation and portion of post reservation) ..... Wyoming Territory.
8. Camp Goodwin ..... Arizona.
9. Old Camp Grant ..... Arizona.
10. Camp Independence ..... California.
11. Island in the Missouri River east of Kansas City.
12. Fort Larned† ..... Kansas.
13. Fort McPherson ..... Nebraska.
14. Fort McRae ..... New Mexico.
15. Oglethorpe Barracks‡ ..... Savannah, Ga.
16. Fort Randall (portion of reservation) ..... Dakota Territory.
17. Fort Reading * ..... California.
18. Fort Rice ..... Dakota Territory.
19. Rush Lake Valley ..... Utah.
20. Fort Sedgwick ..... Colorado and Nebraska.
21. Camp Sheridan ..... Nebraska.
22. Camp Three Forks Owyhee ..... Idaho Territory.
23. Fort Verde (garden tract only) ..... Arizona.
24. Fort Wilkins ..... Michigan.

Appended is a short statement in the case of each reservation, showing when established, location, recommendation, and reasons for abandonment, condition of buildings on the reservation, so far as known, and when reported for the action of Congress.

As will be seen from these statements, most of the reservations have been heretofore reported to Congress with recommendation for appropriate legislation, but without securing, as yet, the requisite authority to enable the Department to dispose of the same.

R. C. DRUM,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, January 5, 1881.

BOIS BLANC ISLAND, MICHIGAN.

Located near Fort Mackinac, in the Straits of Mackinaw.

Military reservation declared by the President November 8, 1827 (embracing about one-half of the island) and used for the purpose of supplying the post of Fort Mackinac with fuel and timber.

Having become unnecessary for military purposes, and a continual source of expense to the Department to keep off trespassers (it having valuable timber on it), and the military authorities having recommended its disposition, the reservation was reported by the Department for the action of Congress by letters to the House of Representatives dated, respectively, December 7, 1874, December 31, 1875, and March 20, 1878 (*vide* Report No. 19, H. R., Forty-fourth Congress, first session.)

There is also a light-house reserve on the island.

The commanding officer at Fort Mackinac reported as follows, under date of December 18, 1874:

"There is no improvement on the island by the military. The old maps show Government wharves or docks; they have long since been washed away or rotted down. They were small affairs, and evidently built for the purpose of getting out timber and wood for the use of the post."

---

* Disposed of, act of February 15, 1881.
† Disposed of, act of April 7, 1882.
‡ Disposed of, act of August 4, 1882.

FORT BUTLER, N. MEX.

General Orders, No. 6, Headquarters of the Army, March 12, 1860, directed the establishment of a 6-company post at some suitable location on or near the Canadian River, to be called "Fort Butler," and March 22, 1861, the Secretary of War approved of a military reservation at the site selected for the post, located on the Canadian River.

It appears that the site was never occupied for military purposes. It was located within the private land claim of Pablo Montayo, and became the subject of correspondence between the War and Interior Departments, and the War Department, deeming that the land must be held until Congress authorized its disposition, upon recommendation of the General of the Army, accordingly reported it for the action of that body by letters of March 9, 1874, and January 28, 1876, to the House of Representatives (*vide* H. Ex. Doc. No. 108, Forty-fourth Congress, first session).

(The report of the Secretary, in his letter dated January 28, 1876, was that so much of the Fort Butler military reservation as was not embraced in the reservation of Fort Bascom was no longer needed for military purposes. Subsequent investigation, however, showed that no reservation had been declared at Fort Bascom, the site of which was leased August 2, 1864, and abandoned to the lessor in January, 1871.)

CAMP CADY, CAL.

Post established April 23, 1865.

Located on the Mojave River, in San Bernardino County, about 150 miles northeast of Wilmington, and on the road to Fort Mojave, Arizona Territory.

Reservation declared by the President June 3, 1870, with an area of 1,562 acres 2 roods 33 perches, more or less.

Post discontinued and garrison withdrawn April 24, 1871, by orders of the department commander, the reservation and buildings being placed in charge of an agent.

January 24, 1874, the department commander requested that the reservation be relinquished by the Government and thrown open to settlement, for the reason that it was no longer required for military purposes, and had not been garrisoned since March, 1871. This request was approved by the division commander, the General of the Army, and the Secretary of War, and the reservation was reported to Congress by War Department letter of April 22, 1874, to the United States Senate, with recommendation for legislation authorizing the *sale* of the reserve; and by letter of December 20, 1875, to that body, the Secretary recommended that authority be given for its *relinquishment to the Interior Department* (*vide* H. Ex. Doc. No. 25, Forty-fourth Congress, first session).

The buildings are of adobe, and were reported in 1872 as of little value. (See also Report No. 19, H. R. Forty-fourth Congress, first session.)

FORT CRITTENDEN, UTAH.

Post established August 24, 1858, and called "Floyd"; name changed to Fort Crittenden February 6, 1861.

Located in Cedar Valley to the south and west of Salt Lake City.

Reservation declared by the President July 14, 1859.

Area 93.703.61 acres, including the entire Cedar Valley.

Post abandoned July 27, 1861, and not since reoccupied.

In his annual report for 1878, page 141, under "Abandoned military reservations," the Commissioner of the General Land Office says:

* * * * * * *

"The other reservation which is recommended to be restored to the public domain is Camp Floyd, in Utah, declared by the President July 14, 1859; name changed to Fort Crittenden February 6, 1861. The Secretary of War reports that the 'post was abandoned July 27, 1861, and not since occupied.' This reservation comprises all of Cedar Valley, and is in length 33 miles, and its greatest width 16 miles. The lines of public surveys were extended over it, and the settlements of Cedar City and Fairfield were made before the date of the order for reservation, which order includes the settlements. It does not appear that any Government improvements exist either on Fort Thorn or Fort Crittenden."

CAMP CRITTENDEN, ARIZ.

Post established March 4, 1868.

Located on the old site of "Fort Buchanan" (which was abandoned in 1861), at the head of Sonoita Valley and River, about 55 miles south by east of Tucson.

Reservation declared by the President March 30, 1870, with an area of 3,278.084 acres.

Post abandoned January 22, 1873. It was built of adobe.

May 28, 1873, the department commander reported the post as of no further use for military purposes, in view of the establishment of new posts better located, and recommended that the reservation be thrown open for settlement.

Reservation reported for action of Congress by War Department letters, dated, respectively, December 20, 1873, and December 31, 1875, to the United States Senate.

March 13, 1878, the Secretary of War, in letter to Speaker of House of Representatives, reported favorably on bill H. R. 3249, Forty-fifth Congress, second session, for the relinquishment of the reservation to the Interior Department.

CAMP CROOK, CAL.

Post established July 1, 1857, by General Clark, commanding department, upon the main emigrant road between California and Oregon.

Located on Fall River, 7 miles north of Pitt River, in the Pitt River Valley, Shasta County.

No reservation declared by the President; but under special legislation as to California (*vide* opinion of Attorney-General Williams of May 24, 1873, General Order 65 of 1873), the sanction of Congress is required for relinquishment of the site, which is two miles square.

Post abandoned June 1, 1869, and buildings sold in April, 1870, by authority of the War Department.

Reservation reported to Congress for relinquishment to Interior Department by War Department letters of January 4, and December 31, 1875, to the House of Representatives, published in H. Ex. Docs. No. 80, Forty-third Congress, second session, and No. 29, Forty-fourth Congress, first session. (See, also, Report No. 19, H. R., Forty-fourth Congress, first session.)

By letter of April 30, 1880, addressed to the chairman of the House Military Committee, the Secretary of War recommended the passage of a bill (H. R. 5260) to restore the lands included in this reservation and that of Fort Reading, Cal., to the public domain, &c.

FORT FETTERMAN, WYO.

Reduction.

By letter of December 16, 1872 (published in Senate Ex. Doc. No. 14, Forty-second Congress, third session), the Secretary of War recommended to Congress that the reservation at this post be reduced in area from 60 square miles, as declared by the President June 28, 1869, to 12½ square miles, and by letter of February 8, 1878, to the President of the United States Senate he again called attention to the matter.

Old wood reserve.

In view of the selection of a *new* wood reservation for use of Fort Fetterman, the old wood reservation declared by the President August 29, 1872, became useless to the military, and its relinquishment was recommended to Congress by War Department letter of February 8, 1878, to the President of the United States Senate.

Under date of March 5, 1878, the Secretary of War, in accordance with a request of Senator Plumb, of the Military Committee, transmitted certain plats of the Fort Fetterman reservation, together with draught of a bill to carry out the recommendations made in War Department letter of February 8, 1878.

CAMP GOODWIN, ARIZ.

Post established June 21, 1864.

Located near the Gila River, about 120 miles northeast of Tucson and 90 miles from San Pedro River, on the Southern Pacific Railroad.

Reservation declared by the President August 20, 1867, 6 miles square.

Post abandoned March 14, 1871.

Relinquishment of reservation to Interior Department recommended to Congress by Secretary of War (*vide* War Department letters February 15, 1876, to Senate and House of Representatives).

Subsequently a portion of the reserve was embraced in the "Camp Thomas" military reservation, declared by the President May 18, 1877, and another portion was embraced in the White Mountain Indian Reservation. The part left (about one-fourth of the original reservation) has but limited grazing facilities, and is of no value for agricultural purposes; there are no buildings upon it, and, by letter of January 29, 1878, to the Speaker of the House of Representatives, the Secretary of War laid the papers before Congress recommending the passage of a law authorizing its transfer to the Interior Department in lieu of former recommendation.

OLD CAMP GRANT, ARIZ.

Post established November 1, 1865.

Location, at the confluence of the San Pedro and Arivapa Rivers, on the site of "Fort Breckenridge," 56 miles north of Tucson, and 100 miles east of Maricopa Wells.

Reservation declared by the President March 30, 1870, with an area of 2,031.70 acres.

Post abandoned March 31, 1873. It was built of adobe.

May 28, 1873, the department commander reported the post as of no further use for military purposes, a new post now known as "Fort Grant" having been established near Mount Graham, about 70 miles southeast, and recommended that the reservation be thrown open to settlement.

Reservation reported to Congress by War Department letters dated, respectively, December 20, 1873, and December 31, 1875, to the United States Senate, the former recommending legislation authorizing sale of the reserve and the latter its transfer to the custody of the Interior Department for disposition under the public land laws.

CAMP INDEPENDENCE, CAL.

Post established July 4, 1862.

Located on Oak Creek, in Owens River Valley, Inyo County, 2 miles north of the town of Independence.

Three reservations, post, wood, and grazing, declared by the President January 23, 1866.

Discontinued as a station for troops by Special Orders, 80, Military Division of the Pacific, July 5, 1877, and garrison withdrawn July 20, 1877.

Most of the original buildings, which were constructed of adobes, were destroyed by an earthquake, March 26, 1872. The present buildings are of frame.

March 25, 1878, General McDowell reported as follows:

"At the breaking out of the hostilities with the Nez Percés, under Joseph, I caused the post of Camp Independence to be broken up, and left in charge of an agent of the Quartermaster's Department; I then intended not to reoccupy this post, and had the public property withdrawn.

"The post consists of buildings recently put up at a cost of many thousands of dollars, and has two or three reservations of valuable land; one for the post, and the others for grazing and wood.

"Now that the completion of the Southern Pacific Railroad gives a speedy access to the country in which Camp Independence is situated, and the Indians have become harmless, I recommend the abandonment of the post, and that the land be sold in small bodies, in such way as the law may allow.

"The land, even without the buildings, is worth more than the usual price of $1.25 per acre. The buildings will have to be sold with the land." (*Vide* H. Ex. Doc. No. 79, Forty-fifth Congress, second session.)

The recommendation of the Department for the disposition of the post and reservation is contained in letter of April 13, 1868, to Hon. B. Wadleigh, of the Senate Military Committee (copy herewith):

WAR DEPARTMENT,
Washington City, April 13, 1878.

SIR: In reply to your letter of the 2d instant, inclosing for information Senate bill 671, "for the relief of certain citizens of the United States, and occupants of lands within one mile of the military post of Camp Independence, Inyo County, California," I have the honor to invite your attention to the inclosed copy of a report, dated the 25th ultimo, from the commanding general Military Division of the Pacific, from which it will be seen that this post is no longer needed for military purposes. I would therefore respectfully recommend that a bill be introduced authorizing this Department to transfer the Camp Independence military reservation, with the buildings thereon, to the custody and control of the Secretary of the Interior, for sale as recommended by General McDowell.

With reference to Senate bill 671, I would state that the military post of Camp Independence, Cal., was established July 4, 1862, and from that date no person could acquire title to land within one mile of said post, as section 7 of the act of March 3, 1853 (10 Stat., 247), provides with reference to lands in California that "no person shall make a settlement or location upon any tract or parcel of land selected for a military post or within one mile of such post." (See Opinion of Attorney-General of May 24, 1873, published in General Order 65 of 1873, copy herewith.)

Josiah Earl and others in 1873 made claim to certain lands within one mile of this military post. Their claim did not embrace any part of the United States reservation so far as the Department is advised, but under the law above referred to their claim was rejected by the Commissioner of the General Land Office. General Schofield, then

commanding the Military Division of the Pacific, forwarded the claim with remarks as follows: "In view of the well-known objections to citizens establishing themselves in close proximity to a post, I would recommend that no patent for the land in these cases be given until after the post has been abandoned; meantime the claimants will be allowed undisturbed occupation as long as they do not conduct themselves in such a way as to prejudice the interests of the public service."

The parties claim under the general land laws, and if authority for the transfer of the land to the Secretary of the Interior is granted, as above recommended, they will have their remedy before the Commissioner of the General Land Office.

Very respectfully, your obedient servant,

GEO. W. McCRARY,
Secretary of War.

Hon. B. WADLEIGH,
Of Committee on Military Affairs, United States Senate.

[General Orders No. 65.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE.
Washington, June 12, 1873.

The following opinion of the Attorney-General of the United States is published for the information and government of all concerned:

OPINION.

DEPARTMENT OF JUSTICE, *May* 24, 1873.

Hon. WILLIAM W. BELKNAP,
Secretary of War:

SIR: From the letter of the Acting Secretary of War of the 24th ultimo, and its inclosures, relative to the military post of Fort Reading, Cal., it appears that the post was established May 26, 1852, and garrisoned until April 1, 1856, when the troops were withdrawn, and that from the latter date until June 13, 1867, it was occupied but a few months, and, without further occupation by troops, was finally abandoned on the 6th of April, 1870, when the buildings pertaining to it were sold in pursuance of an order of the Secretary of War, of which abandonment notice was duly communicated to the General Land Office.

It further appears that no record can be found of any order of the President reserving land for military purposes at this post, or that a reservation was ever in any way formally declared. It does not appear what extent of land was actually occupied and used; whether only so much as was embraced within the lines of the work, or a larger tract.

The 6th section of an act approved June 12, 1858 (11 Stat., 336), provides (with an exception of certain reservations in the State of Florida) for the repeal of "all the existing laws or parts of laws which authorize the sale of military sites which are or may become useless for military purposes," and that "said lands shall not be subject to sale or pre-emption under any of the laws of the United States," and it is asked whether the facts above stated "are sufficient to constitute the post mentioned a military site within the meaning of this provision, so as to require the consent of Congress prior to its relinquishment and sale."

It is added that as there are many places occupied as military sites which, as in this instance, are such "only by occupancy," the War Department desires a rule for its guidance in such cases.

Before the enactment of this provision Congress had, by the act of 1819 (3 Stat., 520), and by various special acts, devolved upon the Secretary of War the duty of selling useless and abandoned military sites. There having been question whether the act of 1819 applied to any such site except those undisposed of at the time of its passage, an act was passed March 3, 1857 (11 Stat., 203), extending the provisions of the former act "to all military sites, or to such parts thereof which are or may become useless for military purposes."

Finally, in consequence of complaints as to the manner in which this authority to sell had been exercised, the provision in the act of 1858 was adopted, by which all such sites are reserved from sale or pre-emption until otherwise ordered by Congress. There is no discrimination in its terms as to the value, situation, or extent of the the sites; it comprehends all military sites or reservations, no matter what their extent, whether embraced within the actual lines of a post or fort, or including, in addition, more or less of the surrounding lands.

In Wilcox *vs.* Jackson (13 Peters, 513), it is held "that whensoever a tract of land shall have once been legally appropriated to any purpose, from that moment the land thus severed becomes severed from the mass of public lands, and that no subsequent law or proclamation would be construed to embrace it or to operate upon it, although no reservation were made of it.

Attorney-General Bates, in the case of the Rock Island military reservation (10 Opinions, 365), decides that it was not in the power of the President to relinquish that reservation, and thus throw the island back into the general body of the public lands, without the consent of Congress.

So far as concerns military posts in the State of California, a clause in the seventh sectionof the act of March 3, 1853, entitled "An act to provide for the survey of public lands," &c. (10 Stat., p. 247), rendered the reservation of land outside the lines of a fort or post, by executive authority, unnecessary. The clause reads as follows: "And no person shall make a settlement or location upon any tract or parcel of land selected for a military post, or within one mile of such post."

This provision in the act of 1853 would seem to leave no room for controversy as to Fort Reading. All settlements and locations by private parties are excluded not only from what is properly the military post, but from all land within one mile of it.

My opinion, therefore, is that Fort Reading is of that character of military sites contemplated by the sixth section of the act of June 12, 1858, and that the consent of Congress is necessary to its relinquishment and sale.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS,
Attorney-General.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

ISLAND IN THE MISSOURI RIVER, EAST OF KANSAS CITY.

March 10, 1865, the President of the United States directed that this island, situated in sections 28 and 33, township 50 north, of range 33 west, of the 5th principal meridian, containing 54.70 acres, be reserved for military purposes, with the view to the erection of a pest-house.

In 1872, the reservation not being required longer for military purposes, the Secretary of War recommended to Congress its relinquishment to the Interior Department. (*Vide* War Department letter, December 2, 1872, to the United States Senate.)

There are no Government improvements on the island.

FORT LARNED, KANS.

Post established October 22, 1859, as "Camp on Pawnee Fork"; designated "Camp Alert" February 1, 1860, and changed to Fort Larned June, 1860.

Located on the right bank of the Pawnee Fork, about 8 miles from its confluence with the Arkansas River, and 7 miles west from Larned Station on the Atchison, Topeka and Santa Fé Railway, in Pawnee County.

Reservation declared by the President January 3, 1865, 16 square miles.

Reported by department and division commanders in January, 1878, as no longer needed. (*Vide* H. Ex. Doc. 79, Forty-fifth Congress, second session.)

Post discontinued, upon suggestion of the Secretary of War, by Special Orders 109, Department of the Missouri, June 19, 1878, having fulfilled the purpose for which it was established, a guard being sent from Fort Dodge to protect buildings, &c., which were reported to be mostly sandstone, of very good quality, and valuable.

Sale of buildings ordered by Secretary of War December 6, 1878, on recommendation of department and division commanders and the Quartermaster-General, and measures about to be taken to report the reservation to Congress, when the report was read from department commander, dated December 21, 1878, that Indian troubles might compel use of post, which is on railroad, for concentrating and quartering troops. Accordingly, under date of January 14, 1879, the Secretary of War recalled the order for sale of buildings. In February, 1879, Lieutenant-General Sheridan reported, in connection with General Pope's letter of December 21, 1878, that *in his opinion* there never would be any military necessity for the occupation of Fort Larned.

In September, 1879, the department and division commanders both recommended the dismantling of the fort, the material to be transferred to Fort Dodge. The Secretary of War decided, however, that the structures of *stone* should be left to follow the land, when its disposition is authorized by Congress.

December 2, 1879, the following instructions were telegraphed the department commander:

"Understanding the quartermaster is moving buildings at Fort Larned, Secretary of War directs *all* operations be suspended there until action of Congress."

November 30, 1880, Lieutenant-General Sheridan, telegraphs that the reservation at Fort Larned ought to be reported to Congress for transfer or abandonment. (See, in this connection, bill S. 193, Forty-sixth Congress, and report No. 136 to accompany the same.)

FORT M'PHERSON, NEBR.

Post established September 27, 1863, as "Cantonment McKean;" changed to "Post of Cottonwood" February, 1864;" to "Fort Cottonwood," May, 1864, and to "Fort McPherson," February 20, 1866.

Located on the south side of the South Platte River 2 miles west of Cottonwood Springs, and about 6 miles southeast of McPherson Station, on the Union Pacific Railroad.

Reservation declared by the President January 22, 1867; enlarged January 25, 1870; further extended October 11, 1870; portion set apart for a national cemetery October 13, 1873, with boundaries as described in General Orders 103, Adjutant-General's Office, 1873 (copy herewith); further enlarged April 19, 1878.

January 24, 1878, the department commander reported that while no military necessity existed for troops at this post, its retention for a time was recommended, as there might be such necessity in some future contingency (*Vide* H. Ex. Doc. No. 79, Forty-fifth Congress, second session).

The post appears to have been built to accommodate a garrison of five companies, the buildings being of lumber, cedar frames and cedar logs; and under date of July 28, 1878, the department commander recommended its abandonment, in view of the dilapidated condition of the quarters as well as the necessity for soon ordering troops to build the new post in the Niobrara country, Fort Niobrara, Nebr., for which Congress appropriated the sum of $50,000.

This recommendation was approved by the Lieutenant-General, the General of the Army, and the Secretary of War, and the Lieutenant-General was advised accordingly, in letter dated August 16, 1879, from the Adjutant-General's Office.

The garrison was withdrawn March 29, 1880, leaving a detachment which remained until June 20, 1880.

The post is now in charge of a non-commissioned officer, a sergeant of the Fifth Cavalry.

In telegram dated November 30, 1880, the Lieutenant-General stated that the reservation at this post should be reported to Congress for abandonment.

[General Orders No. 103.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, October 13, 1873.

By direction of the President, a tract of land within the limits of the present military reservation at Fort McPherson, Nebr., with boundaries as hereinafter described, is hereby set apart as a national cemetery.

BOUNDARIES.

Beginning at a point on the south bank of the South Platte River, marked by a wooden post, about four thousand and four hundred (4,400) feet from the flag-staff at Fort McPherson, and running thence westward up the south bank of the river thirteen hundred and twenty (1,320) feet to a wooden post; thence southward to the tableland of the ridge four thousand four hundred and forty (4,440) feet to a wooden post; thence eastward along the table of the ridge eight hundred (800) feet to a wooden post; thence northward four thousand and four hundred (4,400) feet to the point of beginning, the whole tract containing about one hundred and seven (107) acres.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

FORT M'RAE, N. MEX.

Post established April 3, 1863.

Located at Ojo del Muerto (spring of the dead), in Socorro County, 3 miles east of the Rio Grande.

Reservation declared by the President May 28, 1869, 4 square miles.

Abandonment of post recommended August 16, 1872, by division commander, and approved by Secretary of War. Garrison withdrawn, but subsequently returned by Special Orders 132, paragraph 1, District of New Mexico, September 23, 1872. Garrison again withdrawn October 30, 1876, by orders from district headquarters, a detachment being left in charge of the post.

January 23, 1875, the department commander reported that the post could be given up (*vide* H. Ex. Doc. No. 79, Forty-fifth Congress, second session).

Abandoned post placed under immediate command of commanding officer of Fort Bliss, Tex., to station details, &c., under instructions from district headquarters by Special Orders 52, Headqnarters District New Mexico, May 27, 1879.

Fort McRae was a one-company post, built of adobe.

An inspection report dated October 4, 1879, shows that the buildings were then being dismantled and the material, doors, sashes, boards, &c., to be used in the construction of new Fort Bliss, Tex.

OGLETHORPE BARRACKS, SAVANNAH, GA.

Site deeded to the United States by the city of Savannah, November 5, 1833—about three-fourths of an acre. Purchase made by authority of Congress at a cost of $12,000 for site. Thirty-five thousand dollars was appropriated for buildings for two companies, and additional appropriation of $25,000 was made subsequently.

Post established (on present site) about 1834.

Located in the central part of the city of Savannah, and occupying a square bounded on the north by Liberty street; on the east by Drayton street; on the south by Harris street; and on the west by Bull street.

Garrison withdrawn in April, 1879, and place left in charge of an ordnance sergeant.

Various applications from local organizations for use of the buildings have been denied by the Department on the ground that Congress alone has the necessary authority.

By War Department letter of June 12, 1879, to the Speaker of the House of Representatives, the Secretary of War stated, in returning communication from the chairman of the Committee on Public Buildings and Grounds, concerning bill H. R. 2021, "to vest the title to the United States barracks in the city of Savannah, Ga., in the corporation of said city, for public uses," that the General of the Army reported adversely to such a disposition of these valuable buildings (which are principally of brick with slate roofs, and in good condition), and that, in accordance with his views, their sale to the highest bidder would be recommended to Congress at its next session (second session Forty-sixth Congress).

By War Department letters of May 22, 1880, to the Senate and House of Representatives, recommendation was made for such legislation by Congress as would authorize the sale to the highest bidder, after public advertisement, of the site and buildings occupied by the post of Oglethorpe barracks. (See also bill H. R. 3840, second session Forty-sixth Congress, to transfer barracks to Treasury Department for post-office and revenue purposes.)

FORT RANDALL, DAK.

Reduction.

Post established June 26, 1856, and still garrisoned.

Located on the right bank of the Missouri River, 75 miles by land above Yankton, and 100 miles or more by river.

Reservation declared by the President June 14, 1860.

September 9, 1867, that portion of the reservation north of the Missouri River and west of the Yankton Indian Reservation was relinquished to the Interior Department, but October 25, 1870, the reserve was, with consent of said Department, restored to its original limits.

Under act of Congress approved May 18, 1874 (published in General Orders No. 47, of 1874, Adjutant General's Office copy herewith), the Secretary of War transferred to the Interior Department certain portions of the reservation occupied by settlers prior to the date of the President's order declaring the same, or while not under military control, between the years 1867 and 1870.

By letter of December 2, 1879, the Secretary of War recommended to the House of Representatives the relinquishment to the Interior Department of the portion of the reserve north of the Missouri River not already confirmed to settlers under the act of Congress approved May 18, 1874, before mentioned. The portion thus recommended for relinquishment is located in Charles Mix County. (See in this connection bill H. R. 4575, Forty-sixth Congress, second session, and Report No. 744, accompanying same.)

[General Orders No. 47.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 25, 1874.

The following acts of Congress are published for the information and government of all concerned:

AN ACT for the relief of certain settlers on the Fort Randall military reservation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized to transfer

to the custody of the Department of the Interior such portions of the military reservation of Fort Randall, in Dakota, as were actually occupied by settlers prior to the promulgation of the order of the President of June fourteenth, eighteen hundred and sixty, setting apart the reservation for military purposes, and, further, such portions of the said reservation as were released from military occupation and control between the years eighteen hundred and sixty-seven and eighteen hundred and seventy, and were during that time settled upon in good faith and in the belief that the lands were open to settlement.

SEC. 2. That the Secretary of the Interior be authorized to confirm, in accordance with existing laws, the titles of such settlers upon the military reservation of Fort Randall as may be reported by the Secretary of War for that purpose, and to cause patents to be issued for such lands as the aforesaid settlers may be entitled to under existing laws and the provisions of this act.

SEC. 3. That the Secretary of the Treasury be, and he is hereby, authorized to pay to each of the aforesaid settlers the respective amounts that were appraised as the value of their respective improvements, by a military board of survey convened for that purpose, at Fort Randall, under instructions from the War Department, dated March third, eighteen hundred seventy-one: *Provided*, That in case any improvements, or portion thereof, shall have been restored or delivered to any settler, after the appraisement of the same by the said military board of survey, such settler shall not be entitled to payment under this act for the improvements, or portion thereof so restored or delivered to him.

Approved, May 18, 1874.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

FORT READING, CAL.

Post established May 26, 1852.

Located in Shasta County, about 2½ miles from the mouth of Cow Creek, where it empties into the Sacramento River, about 20 miles southwest of Shasta City, Cal.

The facts relative to the establishment of the post, its occupancy, abandonment, and a history of the reservation are set forth in the accompanying general order, publishing opinion of the Attorney-General upon the subject. (General Orders No. 65, of 1873.)

Under this opinion, the Secretary of War, under date of June 24, 1873, advised the Interior Department that the site of Fort Reading would be retained by this Department until Congress authorized its sale.

By letter of April 7, 1876, to the House of Representatives, the Secretary of War recommended that a bill (H. R. 1950) for the restoration of the reserve to the public domain be amended so as to authorize its transfer to the Interior Department for disposition.

By letter of April 20, 1880, addressed to the chairman of the House Military Committee, the Secretary of War recommended the passage of a bill (H. R. 5260) to restore the lands included in this reservation and that of Fort Crook, California, to the public domain. (See also S. 1487, Forty-sixth Congress, second session.)

[General Orders No. 65.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 12, 1873.

The following opinion of the Attorney-General of the United States is published for the information and government of all concerned:

OPINION.

DEPARTMENT OF JUSTICE, *May* 24, 1873.

Hon. WILLIAM W. BELKNAP,
Secretary of War:

SIR: From the letter of the Acting Secretary of War of the 24th ultimo, and its inclosures, relative to the military post of Fort Reading, California, it appears that the post was established May 26, 1852, and garrisoned until April 1, 1856, when the troops were withdrawn, and that from the latter date until June 13, 1867, it was occupied but a few months, and, without further occupation by troops, was finally abandoned on the 6th of April, 1870, when the buildings pertaining to it were sold in pursuance of an order of the Secretary of War, of which abandonment notice was duly communicated to the General Land Office.

It further appears that no record can be found of any order of the President reserving lands for military purposes at this post, or that a reservation was ever in any way for-

mally declared. It does not appear what extent of land was actually occupied and used: whether only so much as was embraced within the lines of the work, or a larger tract.

The sixth section of an act approved June 12, 1858 (11 Stat., 336), provides, with an exception of certain reservations in the State of Florida, for the repeal of "all the existing laws or parts of laws which authorize the sale of military sites which are or may become useless for military purposes," and that "said lands shall not be subject to sale or pre-emption under any of the laws of the United States," and it is asked whether the facts above stated "are sufficient to constitute the post mentioned a military site within the meaning of this provision, so as to require the consent of Congress prior to its relinquishment and sale."

It is added that as there are many places occupied as military sites which, as in this instance, are such "only by occupancy," the War Department desires a rule for its guidance in such cases.

Before the enactment of this provision Congress had, by the act of 1819 (3 Stat., 520), and by various special acts, devolved upon the Secretary of War the duty of selling useless or abandoned military sites. There having been question whether the act of 1819 applied to any such sites except those undisposed of at the time of its passage, an act was passed March 3, 1857 (11 Stat., 203), extending the provisions of the former act "to all military sites, or to such parts thereof which are or may become useless for military purposes."

Finally, in consequence of complaints as to the manner in which this authority to sell had been exercised, the provision in the act of 1858 was adopted, by which all such sites are reserved from sale or pre-emption until otherwise ordered by Congress. There is no discrimination in its terms as to value, situation, or extent of the sites. It comprehends all military sites or reservations, no matter what their extent, whether embraced within the actual lines of a post or fort, or including in addition more or less of the surrounding lands.

In Wilcox *vs.* Jackson (13 Peters, 513) it is held "that whensoever a tract of land shall have once been legally appropriated to any purpose, from that moment the land thus severed becomes severed from the mass of public lands, and that no subsequent law or proclamation would be construed to embrace it or operate upon it, although no reservation were made of it."

Attorney-General Bates, in the case of the Rock Island military reservation (10 Opinions, 365), decides that it was not in the power of the President to relinquish that reservation, and thus throw the island back into the general body of public lands, without the consent of Congress.

So far as concerns military posts in the State of California, a clause in the seventh section of the act of March 3, 1853, entitled "An act to provide for the survey of public lands," &c. (10 Stat., p. 247), rendered the reservation of land outside of the lines of a fort or post, by executive authority, unnecessary. The clause reads as follows: "And no person shall make a settlement or location upon any tract or parcel of land selected for a military post or within one mile of such post."

This provision in the act of 1853 would seem to leave no room for controversy as to Fort Reading. All settlements and locations by private parties are excluded not only from what is properly the military post, but from all land within one mile of it.

My opinion, therefore, is that Fort Reading is of that character of military sites contemplated in the sixth section of the act of June 12, 1858, and that the consent of Congress is necessary to its relinquishment and sale.

Very respectfully, your obedient servant,

GEO. H. WILLIAMS,
Attorney-General.

By order of the Secretary of War.

E. D. TOWNSEND,
Adjutant-General.

FORT RICE, DAK.

Post established July 11, 1864.

Located on the west bank of the Missouri River, about 10 miles above the mouth of the Cannon Ball River, and 28 miles south from Bismarck, on the Northern Pacific Railroad.

Reservation declared by the President September 2, 1864, and (the same lands) January 22, 1867; 25 miles long and about 7 miles wide.

January 27, 1878, Lieutenant-General Sheridan recommended that the post be broken up, having fulfilled the objects for which it was built, and as the troops could be quartered elsewhere without any additional expense. (See H. Ex. Doc. 79, Forty-fifth Congress, second session,)

Post abandoned and garrison withdrawn November 25, 1878 (per Special Orders 133,

Department Dakota, November 18, 1878), pursuant to a letter of authority from the Adjutant-General's Office to the Lieutenant-General, dated May 16, 1878, which also directed that after the withdrawal of the garrison the fact be reported with information as to whether or not the reservation would again be required for military purposes, in order that if not needed steps might be taken for its disposition.

A detachment remained to transfer property and destroy post until February 6, 1879.

January 24, 1880, the department chief quartermaster reported that all public buildings and other public property had been removed from Fort Rice, and February 24, 1880, the department commander reported that the reservation was no longer required for military purposes.

RUSH LAKE VALLEY, UTAH TERRITORY.

Not a military post, nor occupied by troops since the late war.

Reservation located in Tooele County, about 44 miles southwest from Camp Douglas, in townships 4 and 5 south, range 5 west of Salt Lake meridian, and declared by the President February 4, 1855.

The reserve was used by the Quartermaster's Department as grazing grounds, corral, &c., and in September, 1868, was reported as of no further use to that department.

By War Department letter of March 6, 1869, the subject of the abandonment of the reservation was laid before the House of Representatives with recommendation that, as it was no longer required for military purposes, its disposition be authorized by law; but no legislation appears to have been had in the matter, and by War Department letter of December 13, 1869, the reservation was relinquished to the Interior Department; this relinquishment was *withdrawn* July 29, 1873, not being *valid* in view of the opinion of the Attorney-General of May 24, 1873, in the Fort Reading case. The reservation was again reported to the House of Representatives by War Department letters of January 23 and March 23, 1874, recommending its transfer to the Interior Department. (*Vide* H. Ex. Docs. Nos. 96 and 197, Forty-third Congress, first session. and bill H. R. 1756, Forty-sixth Congress, first session.)

The following extract from a report of the commanding officer, Fort Douglas, gives additional information relative to this reservation. The Secretary of War has declined to grant applications to occupy portions of the reserve pending action of Congress.

FORT DOUGLAS, UTAH, *April* 12, 1880.

To the ADJUTANT-GENERAL, U. S. A.,
Washington, D. C.
(Through Headquarters Department of the Platte, Fort Omaha, Nebr.)

SIR: I have the honor to return herewith the application of P. T. Handy, esq., in behalf of the First National Mining Company, for permission to occupy a tract of land at the north end of Rush Lake, on a military reservation, and beg leave to submit the following report:

The military reservation at Rush Lake, Utah, is distant 40 miles, in southwest direction from Salt Lake City, and about 12 miles due north from Old Camp Floyd. It was reserved (or at his request) by Colonel Steptoe for the purpose of grazing and hay ground. It was reoccupied and fenced in by General P. E. Connor, United States volunteers, in 1864, for the same purposes. In 1865 water accumulated, forming a lake, covering the grass lands. It was abandoned since, and is of no value for military purposes.

A number of people have settled on the reservation near the lake. On the southeastern portion there is a small town containing about forty houses (called town of Rush Lake), the Chicago Smelter (extensive smelting works); also on the north end of the lake extensive smelting works called the "Waterman." The latter company have fenced in all the available land on the north end of the lake. I have not been able to learn by what authority they have located upon the reservation further than that they claim they have permission. * * *

I have the honor to be, very respectfully, your obedient servant,

JNO. E. SMITH,
Colonel Fourteenth Infantry, Commanding Fort Douglas.

FORT SEDGWICK, COLO. AND NEBR.

Post (in Colorado) established May 17, 1864, and called Camp Rankin; name changed to Fort Sedwick September 27, 1865.

Location on the South Fork of the Platte River, opposite the mouth of the Lodge-Pole Creek, near Julesburg, Colo., on the Union Pacific Railroad.

Reservation declared by the President June 28, 1869, 8 miles square, 64 square miles.

Post abandoned May 31, 1871, by authority of the Secretary of War, as being of no further use in a military point of view.

In letter of March 28, 1876, to Senator Cockrell, of the Senate Military Committee, the Secretary of War, in transmitting copy of report of the Lieutenant-General and of indorsement of the General of the Army, suggested that a bill (S. 47) to reopen the lands of the reservation to settlement and occupation as public lands be amended so as to authorize the Secretary of War to transfer said reservation to the custody and control of the Interior Department for disposition. The bill was reported with the amendment suggested, but failed to become a law.

March 17, 1876, Lieutenant-General Sheridan reported as follows:

"There are no improvements of any value to the Government that I am aware of, and the point at the present time possesses no military advantages."

(In this connection attention is invited to bill S. No. 1742, Forty-sixth Congress, second session, and report No. 661, to accompany same.)

CAMP SHERIDAN, NEBR.

Post established at its present location in September, 1874.

Located on the east bank of the West Fork of Beaver Creek (a tributary of White River, into which it empties about 12 miles farther north), and one-quarter mile from the Spotted Tail Indian Agency, as established just prior to that time, but which was removed about three years later, and is now known as "Rosebud Agency," in *Dakota Territory*.

Reservation declared by Executive order dated November 14, 1876; extended by Executive order dated April 28, 1879; and further enlarged by Executive order dated December 10, 1879, for the purpose of supplying wood and timber for use of the post.

Area of enlarged reservation, $2\frac{305}{640}$ square miles.

Abandonment of post recommended by department commander August 8, 1880; approved by the Lieutenant-General and the General of the Army, and directed by the Secretary of War November 22, 1880, who also directed that report be made to Congress that the post was no longer needed for military purposes, with recommendation that the reservation be returned to the public domain.

The Lieutenant-General was advised accordingly by letter of December 2, 1880, from the Adjutant-General's Office, and instructed to report relative to location, condition, &c., of improvements on the reserve. When his report is received the matter will be *specially* reported for the action of Congress.

CAMP THREE FORKS OWYHEE, IDAHO.

Post established at its present location in September, 1866, and called "Camp Winthrop"; name changed to Camp Three Forks Owyhee in April, 1867.

Located about 35 miles south of Silver City and 16 miles north from the Three Forks of the Owyhee River.

Four reservations declared by the President April 6, 1869, and announced in General Orders No. 29, Department Columbia, September 23, 1869, copy herewith.

Part of the hay reserve is in Oregon.

Garrison withdrawn in May, 1871, and in August of that year the abandonment of the post and sale of public buildings thereat were recommended by department and division commanders, the Quartermaster-General, and the General of the Army, and authorized by the Secretary of War. In compliance with instructions contained in letter of August 22, 1871, from this office, the department commander reported, under date of January 25, 1872, that the buildings were duly advertised and sold at public auction *October* 23, 1871, and that the transfer of the buildings was made to the purchaser immediately thereafter, which *completed* the abandonment of the post. He also recommended that measures be taken to transfer the reservation to the Interior Department, as it was not probable that it would again be required for military purposes.

The reservations were reported by the Secretary of War to the House of Representatives in letter of March 4, 1872, with recommendation that Congress authorize their transfer to the Department of the Interior for public entry and sale.

[General Orders No. 29.]

HEADQUARTERS DEPARTMENT OF THE COLUMBIA,
Portland, Oreg., September 23, 1869.

The President having declared the reservation at Camp Three Forks Owyhee, Idaho, as set apart for military purposes, the limits of said reservation are hereby announced for the information of all concerned.

Post reserve.

One (1) mile north and south, by one and one-half (1½) miles east and west; centra point one-fourth (¼) of a mile west of camp flag-staff.

Wood reserve.

One (1) mile north and south, by two (2) miles east and west. Initial point, the northwest corner, to be at the wood-camp well. Bears east-northeast, nearest point four and three-fourths (4¾) miles from flag-staff.

Grazing reserve.

Two (2) miles north and south, by two (2) miles east and west. Initial point, the southeast corner, to be the same as the northeast corner of the post reserve.

Water reserve.

Twenty-five (25) yards each side of Dry Creek from the point where it leaves the wood reserve to the point where it enters the post reserve.

By command of Bvt. Maj. Gen. George Crook.

A. H. NICKERSON,
Captain, Twenty-third Infantry, A. D. C. and A. A. General.

FORT VERDE, ARIZ.

Garden tract.

The "Garden tract" at this point (formerly "Camp Verde"), declared by the President October 24, 1871, being no longer required for military purposes, the Secretary of War recommended to Congress its relinquishment June 19, 1876, in letter to United States Senate. This tract was in *addition* to the original post reservation, and is 1½ miles by 3 miles 40 rods in extent. The post was subsequently relocated and the reservation enlarged to include the new site and another tract for use as a post garden by Executive order of August 17, 1876.

FORT WILKINS, MICH.

Post established May 28, 1844.

Located on Lake Superior, at "Copper Mine Harbor," 10 miles from Keweena Point.

Reservation declared by the President August 19, 1853, embracing lots 2 and 3 of section 33, and lot 5 of section 34, township 59 north, range 28 west, Michigan.

Post directed to be discontinued by Special Order 90, Department of the Lakes, August 15, 1870, and troops withdrawn August 30, 1870.

The Secretary of War recommended to Congress relinquishment of the reservation in letter December 20, 1870, to House of Representatives, and in letter to same body, dated March 5, 1874, he called attention to former letter, and recommended that authority be granted to dispose of the reserve (*vide* H. Ex. Doc. No. 176, Forty-third Congress, first session.)

In letter of May 25, 1874, the Secretary of War transmitted to the House of Representatives, for the information of the Committee on Military Affairs, in compliance with a request of said committee, a copy of report of General Hancock in regard to the quantity of land, and the value of buildings thereon, included in the reservation. The buildings are in charge of an agent appointed by the Quartermaster's Department. They are of log and frame, and not of any great value.

Forty-seventh Congress, first session, House Ex. Doc. No. 225.

Letter from the Secretary of War, relative to the subdivision of the reservations of Forts Dodge and Wallace, and the sale of buildings thereon.

JULY 21, 1882.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington City, July 20, 1882.

SIR: I have the honor to transmit herewith copy of correspondence relative to the disposal of the lands and buildings at the abandoned military posts of Forts Dodge and Wallace, Kansas.

In a telegram dated July 10, 1882 (copy herewith), Lieutenant-General Sheridan

states that, in view of the delay which is occurring in disposing of the public buildings at said posts, he and General Pope recommend that they be sold in order that the Army may be relieved of the responsibility and expense of their further care.

The military reservations of Forts Dodge and Wallace have already been reported to the present Congress as no longer needed for military purposes, and authority asked to dispose of them (*vide* H. R. Ex. Doc. No. 39, Forty-seventh Congress, first session, pp. 3, 6, 22, and 23, accompanying).

Attention is respectfully invited to the inclosed copy of Ex. Doc. 195, Forty-seventh Congress, first session, showing action now pending in Congress respecting the Fort Dodge Reservation, from which it appears that the Secretary of the Interior has recommended an amendment to the act of December 15, 1880, opening up to settlement that portion of the reservation north of the railroad right-of-way, for the reason that a portion of the reservation ordered sold is included in the *Osage Indian Trust Lands* (treaty of 1865).

The chief quartermaster of the Department of the Missouri expresses the belief that, as many of the buildings at said post are built of stone and adobe, if sold *to be removed* they would bring about $10,000, but if sold with the immediate grounds upon which they stand will bring about $50,000.

In view of the advantage that it seems will accrue to the Government from the sale of the buildings in connection with the land upon which they are located, it is respectfully requested that such legislation be had as will authorize the Secretary of War to subdivide the reservations in question, and sell the buildings with the grounds upon which they are located.

Very respectfully, your obedient servant,

W. E. CHANDLER,
Acting Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, Ill., June 20, 1882.

General R. C. DRUM, *Washington, D. C.:*

Your dispatch of this date about Fort Dodge received and forwarded for the consideration of General Pope, the department commander.

My orders in abandoning Fort Dodge were to transfer to Fort Supply such public property as could be made useful in the repairs of that post. I am willing to sell the post or give it away. Our experience heretofore in the sale of buildings at abandoned military posts has been about equivalent to giving them away. To sell the buildings and the land on which they stand requires an act of Congress.

P. H. SHERIDAN,
Lieutenant-General.

[Indorsement.]

ADJUTANT-GENERAL'S OFFICE,
Washington, June 21, 1882.

Respectfully submitted to the Secretary of War.

This dispatch is in reply to telegram of yesterday to General Sheridan communicating to him the views of Senator Plumb as to the disposition of the buildings at Fort Dodge.

R. C. DRUM,
Adjutant-General.

[Translated copy of telegram.]

HEADQUARTERS DEPARTMENT OF MISSOURI,
Chicago, Ill., June 25, 18-2.

General JNO. POPE, *Fort Leavenworth, Kans.:*

The following telegram is repeated to you for the necessary action.
By command of Lieutenant-General Sheridan.

R. WILLIAMS,
Assistant Adjutant-General.

WASHINGTON, D. C., *June* 24.

General P. H. SHERIDAN, *Chicago, Ill.:*

Your dispatch of this date relative to buildings at Fort Dodge received.

The Secretary of War has no opinion on the subject of disposition of buildings, but as representations are made that the buildings can be sold as they stand (to be removed) to better advantage of the Government than by tearing them down and using the material elsewhere, he desires to know whether any efforts have been made by General Pope to ascertain if this is the fact. If he has not, the Secretary thinks such efforts should be made.

R. C. DRUM,
Adjutant-General.

[Indorsements.]

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., June 26, 1882.

Respectfully referred to the chief quartermaster of the department for report as soon as possibly can on the value of the buildings as they stand and what they will sell for.

By order of Brigadier-General Pope.

E. R. PLATT,
Major and Assistant Adjutant-General.

CHIEF QUARTERMASTER'S OFFICE, DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., June 28, 1882.

Respectfully returned to the adjutant-general of the department.

As many of the builings at Fort Dodge are built of stone and of adobe, it is believed that if sold to be removed they will bring abont $10,000; but if sold with immediate grounds on which they stand, thus avoiding removal, it is believed that they would bring about $50,000.

J. D. BINGHAM,
Deputy Quartermaster-General, Chief Quartermaster.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., June 29, 1882.

Respectfully forwarded to the adjutant-general of the Military Division of the Missouri.

Attention is invited to the indorsement of the chief quartermaster of the department. The ground on which the buildings stand cannot be sold without an act of Congress.

JOHN POPE,
Brevet Major-General, Commanding.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, July 3, 1882.

Respectfully forwarded to the Adjutant-General of the Army.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

HEADQUARTERS OF THE ARMY,
Washington, July 6, 1882.

Respectfully submitted to the Secretary of War, in connection with previous papers in the case submitted by me on the 28th instant (ult.?).

W. T. SHERMAN,
General.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 20, 1882.

Lieutenant-General SHERIDAN, *Chicago, Ill.:*

Senator Plumb advises the Secretary of War that, in dismantling and removing parts of buildings at Fort Dodge, the best and most economical disposition is not being made of Government property; that buildings ought to be sold at public or private sale on the ground. The Secretary desires these views submitted for such action as you think proper.

R. C. DRUM,
Adjutant-General.

[Telegram.]

WAR DEPARTMENT,
Washington, D. C., June 20, 1882.

Lieut. Gen. P. H. SHERIDAN, *Chicago, Ill.:*

Further representations made to the Secretary of War as to improvidence of tearing down the buildings at Fort Dodge suggest whether it would not be best to defer operations in this direction until satisfactorily informed which would be best for the Government interests—to tear down the buildings and dispose of the material by sale or transportation elsewhere, or to sell the buildings as they stand at private or public sale, subject to removal from the reservation.

R. C. DRUM,
Adjutant-General.

[Telegram.]

HEADQUARTERS MILITARY DIVISION OF THE MISSSOURI,
Chicago, Ill., June 21, 1882.

General R. C. DRUM, *Washington, D. C.:*

Please inform the Secretary of War that I have directed General Pope to suspend operations at Fort Dodge until it is ascertained if the public property there can be disposed of by public or private sale with more economy to the Government than transferring it to Fort Supply, where it is very much needed.

P. H. SHERIDAN,
Lieutenant-General.

[First indorsement.]

ADJUTANT-GENERAL'S OFFICE,
Washington, June 21, 1882.

Respectfully submitted to the Secretary of War in connection with previous telegram from General Sheridan, submitted this day, and inviting attention to inclosed copy of telegram to the Hon. Mr. Ryan.

R. C. DRUM,
Adjutant-General.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, June 21, 1882.

Hon. THOMAS RYAN, *House of Representatives, Capitol:*

General Sheridan reports he has suspended operations at Fort Dodge until he can make inquiry whether property can be profitably sold, as you suggested.

R. C. DRUM,
Adjutant-General.

[Telegram.]

FORT LEAVENWORTH, KANS., *June* 21, 1882.

General P. H. SHERIDAN, *Chicago, Ill.:*

Your telegram stopping the dismantling of Fort Dodge received, and orders given accordingly. The material at Fort Dodge is very essential to quarter the troops sent from here to Supply. If the buildings are sold it will be for a small price and the money turned into the Treasury. Other material of the same kind and quality will have to be bought for the same purpose, and will probably cost twice as much. Unless the money received for the sale of goods is applied to build quarters for the troops to be removed from there it will not be economy to sell. Even in this case the economy is doubtful.

JOHN POPE,
Brevet Major-General, Commanding.

[First indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, June 23, 1882.

Respectfully forwarded to the Adjutant-General of the Army.

P. H. SHERIDAN,
Lieutenant-General, Commanding.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kans., June 23, 1882.

Col. R. WILLIAMS,
Adjutant-General Military Division of the Missouri, Chicago, Ill.:

COLONEL: I telegraphed you this morning asking whether I should consider the dismantling of Fort Dodge to be permanently put a stop to by the order of the War Department, so that I might know whether to keep the company of infantry retained there to do the work of dismantling and shipping to Fort Supply, or send the company at once to its post. Colonel Potter, under my order, is now at Dodge to superintend this work, and to ship to his post, to which two-thirds of the late garrison at Dodge is ordered, all material that can be judiciously and economically used to shelter these troops.

I cannot say what Fort Dodge would sell for in open market, but certainly I should say it would not bring half the value of the material which we could use at Supply. The money received from the sale of the post would of course revert to the Treasury, and it be necessary, therefore, to take out of the appropriation for the next fiscal year the amount needed to shelter the troops at Supply, which we could probably do with the material we could get out of Dodge.

The War Department can tell as well as I can whether, in view of the interests of the Army and the economy of sheltering the troops sent away from Dodge, the sale of this post to private parties or the transfer of the materials to Supply will best serve the interests of the military service.

I respectfully ask an early reply for obvious reasons.

I am, colonel, very respectfully, your obedient servant,

JOHN POPE,
Brevet Major-General, Commanding.

[First indorsement.]

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
Chicago, June 26, 1882.

Respectfully forwarded to the Adjutant-General of the Army.

In accordance with the wishes of the Secretary of War, I have instructed General Pope to ascertain if it will be more advantageous to the Government to sell the buildings at Fort Dodge than to tear them down and use the material at Fort Supply.

This paper has in the mean time been received and I forward it for the information of the proper authority.

P. H. SHERIDAN,
Lieutenant-General Commanding.

[Second indorsement.]

HEADQUARTERS OF THE ARMY,
Washington, D. C., June 28, 1882.

Respectfully submitted to the honorable Secretary of War.

Usually, when a military post is abandoned it has been found more economical to dismantle the buildings and use elsewhere the doors, windows, casings, floors, &c., at the nearest post. If sold at auction the money received is nothing, because it must go back to the Treasury as miscellaneous receipts.

W. T. SHERMAN, *General.*

[Telegram.]

CHICAGO, ILL., *June 24, 1882.*

General R. C. DRUM, *Washington, D. C.:*

I respectfully request that the honorable Secretary of War decide what shall be done with the buildings at Fort Dodge as speedily as possible. General Pope and myself are of the opinion that they can be best utilized on repairs at Forts Supply and Riley, but we do not object to any other disposition of them which may be thought better.

P. H. SHERIDAN,
Lieutenant-General.

[Telegram.]

ADJUTANT-GENERAL'S OFFICE,
Washington, June 24, 1882.

General P. H. SHERIDAN, *Chicago, Ill.:*

Your dispatch of this date, relative to buildings at Fort Dodge, received.

The Secretary of War has no opinion on the subject of the disposition of buildings, but as representations are made that the buildings can be sold as they stand to be removed to the better advantage of the Government than by tearing them down and using the

material elsewhere, he desires to know whether any efforts have been made by General Pope to ascertain if this is the fact. If it is not, the Secretary thinks such efforts should be made.

R. C. DRUM,
Adjutant-General.

UNITED STATES SENATE,
Washington, D. C., June 20, 1882.

Hon. ROBERT T. LINCOLN,
Secretary of War:

SIR: Dispatches from Fort Dodge, Kans., say that the military buildings on the reservations are being dismantled in order that some articles of value may be taken to Camp Supply. This will do the Government no good—will, in fact, be expense without compensation; and if the Government is to be benefited it would be far better to authorize the sale of all the improvements at public or private sale. In view of these facts and of the feeling existing on the frontier at this action, I respectfully ask that the demolition be suspended by order, to be transmitted by wire, until definite action can be taken for the disposition of the entire property.

Respectfully yours,

P. B. PLUMB.

WAR DEPARTMENT,
Washington City, June 22, 1882.

SIR: Referring to your letter of the 20th instant, relative to the disposition of property at Fort Dodge, Kans., and to my reply thereto of the same date, advising you that the substance of your letter had been communicated to General Sheridan by telegraph for an expression of his views on the subject, I have now the honor to quote for your information, below, a telegram from that officer, just received:

"Your dispatch of this date about Fort Dodge received, and forwarded for the consideration of General Pope, the department commander. My orders abandoning Fort Dodge were to transfer to Fort Supply such public property as could be made useful in the repairs of that post. I am willing to sell the post or give it away. Our experience heretofore in the sale of buildings at abandoned military posts has been about equivalent to giving them away. To sell the buildings and the land on which they stand requires an act of Congress."

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. P. B. PLUMB,
United States Senate.

WAR DEPARTMENT,
Washington City, June 20, 1882.

SIR: I have your letter of to-day respecting the disposition of property at Fort Dodge.

Fort Dodge was ordered to be abandoned as a military station some two months ago, and the proper disposition directed to be made of the Government property.

Such a matter as this is in charge of Lieutenant-General Sheridan, and I cannot interfere with his action, having at present no knowledge of what his orders in detail are, nor any information on which to base an opinion of my own.

In consequence of your letter, however, I have directed that a telegram be sent to General Sheridan, of which a copy is inclosed to you herewith.

ROBERT T. LINCOLN,
Secretary of War.

Hon. P. B. PLUMB,
United States Senate.

[Telegram.]

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, June 20, 1882.

Lieut. Gen. P. H. SHERIDAN, *Chicago, Ill.:*

Senator Plumb advises the Secretary of War that in dismantling and removing parts of buildings at Fort Dodge, the best and most economical disposition is not being made of Government property; that buildings ought to be sold at public or private sale on the ground. The Secretary desires these views submitted for such action as you think proper.

R. C. DRUM,
Adjutant-General.

CHICAGO, ILL., *July* 10, 1882.

General R. C. DRUM, *Washington, D. C.:*

In view of the delay which is occurring in disposing of the public buildings at Forts Dodge and Wallace, General Pope and myself recommend that the Secretary of War give authority to sell them to the highest bidder, after advertising for thirty days. As it is now, we have to keep a company at Fort Dodge and a detachment at Fort Wallace to watch them.

P. H. SHERIDAN,
Lieutenant-General.

HEADQUARTERS OF THE ARMY,
Washington, July 13, 1882.

Respectfully submitted to the Secretary of War, with previous papers, and inviting attention to the accompanying report of the Adjutant-General.

W. T. SHERMAN, *General.*

Report in case of proposed disposition of buildings at the abandoned posts of Forts Dodge and Wallace, Kansas.

Pursuant to instructions of the War Department, communicated in telegram of June 26, 1882, from this office to Lieutenant-General Sheridan, and by him repeated the next day to the department commander, General Pope forwarded June 29, 1882, report of his chief quartermaster, setting forth that, as many of the buildings at Fort Dodge are built of stone and adobe, it is believed that if sold to be removed they will bring about $10,000; but if sold with the immediate ground upon which they stand, thus avoiding removal, it is believed that they would bring about $50,000; General Pope added that the ground upon which the buildings stand cannot be sold without an act of Congress.

July 10, 1882, the Lieutenant-General telegraphs that in view of the delay which is occurring in disposing of the public buildings at Forts Dodge and Wallace, he and General Pope recommended that the Secretary of War give authority to sell them to the highest bidder, after advertising for thirty days, in order to withdraw troops now watching them. (In this connection it is remarked that General Pope has recently recommended the appointment of Mr. James Langton as keeper at Fort Dodge, in which the Lieutenant-General concurred. Papers returned to War Department by General Sherman June 27, 1882.)

In connection with instructions of the Adjutant-General to prepare data upon which the Secretary of War can prepare a letter to Congress, recommending sale of lands on which the buildings at these two posts stand, with amount of land covered by the buildings, their location, size, &c., the following is respectfully submitted:

The disposition of the existing military reservations and posts of Forts Dodge and Wallace has already been recommended to the present Congress, with statement as to lands and buildings. (*Vide* Ex. Doc. H. R. No. 39, Forty-seventh Congress, first session, pp. 3, 6, 22, and 23.)

It does not appear from information in the Adjutant-General's Office what amount of land is occupied by the buildings at these posts, but they have the usual accommodations for three company posts, with stables, &c.

Attention is especially invited to the accompanying H. Ex. Doc. No. 195, Forty-seventh Congress, first session, showing action now pending in Congress respecting the Fort Dodge Reservation, from which it appears that the Secretary of the Interior has recommended an amendment to the act of December 15, 1880, opening up to settlement that portion of the reservation north of the railroad right of way, for the reason that a portion of the reservation ordered sold is included in the Osage Indian trust lands (treaty, 1865). From an examination of the map appended to the document, it would appear that, with the exception of a portion in the northeast corner, the entire reservation of Dodge, now under military control, including the post buildings, is south of the north boundary of the trust lands and included therein.

Papers upon which the abandonment of these posts was authorized by the Secretary of War, and containing history, &c., are now in the Secretary's office, having been sent by the General of the Army, May 25, 1882, accompanying the Lieutenant-General's report of May 22, 1882, upon this subject and that of Texas posts.

Respectfully submitted.

R. C. DRUM,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE,
Washington, July 12, 1882.

[House Ex. Doc. No. 195, Forty-seventh Congress, first session.]

Message from the President of the United States, transmitting a communication from the Secretary of the Interior relative to the disposal of the Fort Dodge military reservation in Kansas.

MAY 6, 1882.—Referred to the Committee on Military Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 3d instant, with accompanying papers, in relation to a proposed amendment of the act of December 15, 1880, providing for the disposal of the Fort Dodge military reservation, Kansas.

The subject is commended to the consideration of Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION, *May* 5, 1882.

DEPARTMENT OF THE INTERIOR,
Washington, May 3, 1882.

SIR: I have the honor to submit herewith for your consideration, and, if approved, for transmission to Congress, copy of letter (and accompanying maps and papers) addressed to the Department on the 12th ultimo, by the Commissioner of Indian Affairs, in which he calls attention to the fact that there is a conflict between the second article of the treaty of 1865 with the Osage Indians (14 Stat., 688) and the act of December 15, 1880 (21 Stat., 311). The treaty provides for the sale of certain lands for the benefit of the Osage Indians; the act opens up the same lands to settlement under the homestead laws; thus depriving in a great measure the Indians of the proceeds that would arise from the sale of the lands. He has accordingly prepared draft of a bill to amend said act, so as to bring it into harmony with the provisions of the treaty. The bill meets the approval of the Commissioner of the General Land Office. It is important that the matter should receive prompt attention.

Very respectfully,

H. M. TELLER,
Secretary.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 12, 1882.

SIR: By the act of Congress approved December 15, 1880 (21 Stat , 311), the Secretary of the Interior was authorized to cause all that portion of the Fort Dodge military reservation in the State of Kansas, lying north of the land owned and occupied by the Atchison, Topeka and Santa Fé Railroad Company, for right of way for its railroad, to be surveyed, sectionized, and subdivided as other public lands, and after said survey to offer said lands to actual settlers only, under and in accordance with the homestead laws of the United States, with the proviso that said railroad company shall have the right to purchase such portion of said reservation as it may need for its use adjoining that now owned by it, not exceeding 160 acres, by paying therefor the price at which the same may be appraised by the Secretary of the Interior.

The Fort Dodge military reservation was established June 22, 1868, as described and defined in General Orders, No. 17, headquarters Department of the Missouri, dated May 29, 1868, as indicated in green on the inclosed map.

By the second article of the treaty with the Osage Indians of 1865 (14 Stat., 688), said Indians ceded to the United States a tract of land 20 miles in width from north to south off the north side of the remainder of their reservation, and extending its entire length from east to west, which was to be held in trust for said Indians, to be surveyed and sold, and the proceeds placed in the Treasury to the credit of said Indians, &c. By the sixth article of said treaty it was stipulated that should the Indians agree to remove from the State of Kansas and settle in the Indian Territory, then their diminished reserve should be sold in the same manner and for the same purpose as provided in the second article in relation to the trust lands, 50 per cent. of the proceeds of the sale of the diminished reserve lands to be used in the purchase of a new home in the Indian Territory.

The northern boundary of the former cession is indicated in yellow on the map. It

will be observed that a portion of the Fort Dodge military reservation lies south of that line. It will also be observed, by reference to the map, that of that portion of the line of the Atchison, Topeka and Santa Fé Railway which runs through the military reservation, the greater portion lies within the Osage trust lands.

The amendment of the second article to the aforesaid treaty fixes the prices at which these lands are to be disposed of at not less than $1.25 per acre. The act of July 15, 1870 (16 Stat., 362), fixes the same price at which they are to be sold. The act of 1872 (17 Stat., 90) provides for their disposition to actual settlers, in accordance with the general principles of the pre-emption laws, under which laws they cannot be disposed of at less than $1.25 per acre. The act of 1876 (19 Stat., 127) also fixes the price at $1.25 per acre.

As will be seen by reference to the inclosed copies of two letters from the Commissioner of the General Land Office, dated respectively 1st and 3d instant, and one from the register of the land office at Larned, Kans., dated March 25, 1882, the following dispositions under said act have been made of that portion of the lands embraced within the military reservation and lying within the Osage lands, viz:

1st. Cash entry No. 765, by the Atchison, Topeka and Santa Fé Railroad Company, being in sections numbered 25, 26, and 35, township 26 south, of range 25 west, and sections numbered 30 and 31, township 26 south, of range 24 west, as delineated by plat approved June 22, 1881, and containing 114.15 acres, at $5 per acre, as appraised under the act, amounting to $710.75. This entry, for reasons stated in the letter of the Commissioner of the General Land Office of the 3d instant, has not been approved for patent.

2d. Homestead entry No. 6595, by Daniel M. Frost, dated October 1, 1881, upon lots numbered 9, 10, 11, and 12, section 25, township 26 south, of range 25 west, and lots 14 and 15, section 30, township 25 south, of range 24 west, containing 88.65 acres.

3d. Frederick W. Boyd and Fred. T. M. Wenie, respectively, applied October 25 and November 17, 1881, to file a pre-emption declaratory statement embracing the last-named tracts. These applications were rejected by the local officers for the reason that they conflict with the homestead entry of Frost, which is of prior date, and are now before the Commissioner of the General Land Office on appeal.

Under the law as it now stands all the Osage lands within the military reservation lying north of the aforesaid railroad are now subject to entry under the homestead law, and the Indians receive nothing in consideration for their disposition.

To dispose of their lands in this manner is not only a very great injustice to them, but it is a violation of a solemn treaty stipulation and acts of Congress passed in pursuance thereof.

The act of 1880 should be so amended as to exclude the Osage trust lands, and, to remove all doubts as to the legality of the entry of the railroad company, a portion of which lies south of the line of its road, although I am of the opinion that under the act the company had a right to make its selections on either or both sides of its road, and of Mr. Frost's homestead entry, which is made in violation of the treaty, both entries should be confirmed by Congress, with the proviso that Mr. Frost shall pay into the Treasury of the United States, through the proper land office, $1.25 per acre, the price fixed by the treaty for the lands entered by him, the sum to be placed on the books of the Treasury to the credit of the Osage Indians, in accordance with the second article of the treaty of 1865; and with this end in view I have had prepared and submit herewith a draft of an amendment to the act of December 15, 1880, and with your approval I respectfully recommend that the same be transmitted to Congress with request for early action, the necessity for which is obvious.

I will add that the Commissioner of the General Land Office has been requested to take the necessary steps to have the sum paid by the railroad company for the lands selected by it placed to the credit of the Osage Indians.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

A BILL to amend an act entitled "An act to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers under the provisions of the homestead laws, and for other purposes," approved December fifteenth, eighteen hundred and eighty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to authorize the Secretary of the Interior to dispose of a part of the Fort Dodge military reservation to actual settlers under the provisions of the homestead laws, and for other purposes," approved December fifteenth, eighteen hundred and eighty, be, and the same hereby is, amended so as to read

as follows, viz: That it shall be the duty of the Secretary of the Interior to cause all that portion of the Fort Dodge military reservation in the State of Kansas lying north of the following described line, viz: Beginning where the west boundary line of the Fort Dodge military reservation intersects the north boundary line of the lands ceded to the United States, in trust, by the second article of the treaty with the Osage Nation of Indians, proclaimed the twenty-first day of January, eighteen hundred and sixty-seven; thence east along the north boundary line of the lands ceded as aforesaid to its intersection with the lands owned and occupied by the Atchison, Topeka and Santa Fé Railroad Company for right of way for its railroad; thence northeasterly along the lands of the said railroad company to the east boundary line of the Fort Dodge military reservation, to be surveyed, sectionized and subdivided as other public lands, and after said survey to offer said lands to actual settlers only, under and in accordance with the homestead laws of the United States.

SEC. 2. *Be it further enacted*, That the following described entries, made under the provisions of the act to which this act is amendatory, upon the lands ceded to the United States, in trust, by the treaty with the Osage Indians, proclaimed the twenty-first day of January, eighteen hundred and sixty-seven, viz: Cash entry numbered seven hundred and sixty-five, by the Atchison, Topeka and Santa Fé Railroad Company, being and lying in sections numbered twenty-five, twenty-six, and thirty-five, in township twenty-six south of range twenty-five west, and sections numbered thirty and thirty-one, in township twenty-six south of range twenty-four west, as delineated by plat approved June twenty-two, eighteen hundred and eighty-one, containing one hundred and forty-two acres and fifteen one-hundredths of an acre; homestead entry numbered six thousand five hundred and ninety-five of Daniel M. Frost, bearing date the first day of October, eighteen hundred and eighty-one, and described as lots numbered nine, ten, eleven, and twelve, in section numbered twenty-five, in township twenty-six south of range twenty-five west, and lots numbered fourteen and fifteen in section numbered thirty, in township twenty-six south of range twenty-four west, containing eighty-eight acres and sixty-five one-hundredths of an acre, be, and the same are hereby, confirmed: *Provided*, That the said Daniel M. Frost shall pay into the Treasury of the United States, through the proper land office, the sum of one hundred and ten dollars and eighty-one cents, for the land so entered by him, being at the rate of one dollar and twenty-five cents per acre, the price fixed by the said treaty at which said lands were to be sold, which sum shall be placed on the books of the Treasury to the credit of the Osage Nation of Indians, in accordance with the provisions of the second article of the aforesaid treaty.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., June 5, 1882.

SIR: I have the honor to submit the following statement and suggestion relative to the military reservation for Old Fort Lyon, on the Arkansas River, in Colorado. This reservation was declared by an executive order dated August 8, 1863, which directed that a tract of land ten miles long from east to west, and six miles wide from north to south, with the flag-staff of Fort Lyon in the center, be reserved for said fort, with the understanding that so much of said land as was then embraced within the reservation of the Arapahoe and Cheyenne Indians should, when the Government abandoned the military post, revert to said Indians. So much of the military reservation as was on the north side of the Arkansas River was then held by said Indians as a part of their reservation under article 1, treaty of February, 1861 (12 Stat., p. 1163). By article 2, treaty of October 14, 1865 (14 Stat., p. 704), said Indians relinquished their claim to said lands, except that by article 5 of the treaty certain selections were to be made for certain Indians named.

On September 1, 1868, there was declared by executive order another Fort Lyon military reservation, containing nine square miles and one hundred and fourteen acres, besides the islands in the Arkansas River along and in front of the reservation. Both these reservations were on land then unsurveyed; and from the language of the papers accompanying the last executive order it was supposed in this office that that order merely modified the limits of the reservation made by the first order by leaving out the lands on the south side of the river; whereas it now appears that the original Fort Lyon reservation was some 18 or 20 miles east of the new Fort Lyon reservation.

In 1873 and 1874 most of the lands embraced in the first reservation were subdivided as public lands (the military post having been previously abandoned), and the limits of reservation were not respected. Upon laying down the approximate limits of said reservation it is found that it covers parts of townships 22 and 33 south, of ranges 47, 48, and 49 west of the sixth principal meridian. Owing to the fact that the lands were surveyed and returned as public lands, and that the attention of this office has but recently been called to the fact that they were comprised within the old Fort Lyon military reservation, several tracts have been disposed of as public

lands, and in addition thereto certain Indian claims under article 5 of said treaty of October 14, 1865, have been located within, or partly within, said reservation limits, and patents have been issued accordingly. One of said Indian claims (No. 22) embraces the old improvements left by the military authorities in section 35, township 22 south, range 48 west.

In view of the act of Congress approved June 12, 1858 (11 Stat., p. 336), prohibiting the sale of useless and abandoned military reservations, said reservation of August 8, 1863, has been duly noted on the books of this office and no more disposals will be allowed until a law shall have been passed authorizing the same. The lands comprised within the reservation are, according to the field-notes of public surveys, only second and third rate grazing lands, except some first-rate lands along the river, and are not of a value sufficient to warrant the expense of disposing of them in any other way than the ordinary manner.

In order that the suspension now placed upon the lands may be removed and the lands be properly disposed of, I would suggest that if no objection is known to the War Department the matter be brought to the attention of Congress, with a recommendation that Congress provide for the disposal of the reservation as other public lands, providing, however, that the entries of those persons who have heretofore been allowed to enter lands within the reservation limits, as also the Indian claims located therein and patented, may be confirmed.

The foregoing is submitted in view of the fact that this office has no information to the effect that said reservation was ever relinquished to this Department by the War Department.

Very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

Hon. ROBERT T. LINCOLN,
Secretary of War.

[Senate Report No. 666, Forty-seventh Congress, first session.]

May 31, 1882.—Ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, submitted the following report to accompany bill S. 1293.

The Committee on Military Affairs, to whom was referred bill S. 1293, have duly considered the same, and submit the following report:

This bill provides for the sale of the Fort Wilkins military reservation, in the extreme northern portion of the Northern Peninsula of the State of Michigan. Your committee referred the bill to the Secretary of War for information, and received the following in reply:

WAR DEPARTMENT,
Washington City, May 12, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th ultimo, transmitting bill S. 1293, providing for the sale of the Fort Wilkins military reservation, Michigan, and, in response to your request for certain information with regard to the same, to invite your attention to the inclosed report of the Adjutant-General, dated the 10th instant, to whom the subject was referred.

The property is no longer required for military purposes, and there is no objection on the part of this Department to the passage of the bill.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

Hon. F. M. COCKRELL,
Of Committee on Military Affairs, United States Senate.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, May 10, 1882,

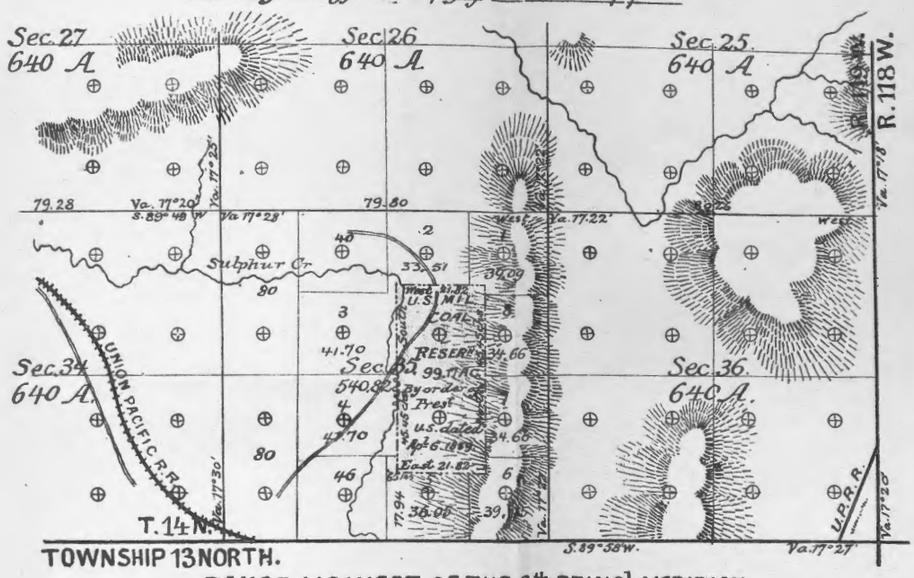
SIR: I have the honor to return herewith the communication of April 3, 1882, from Hon. F. M. Cockrell, of the Senate Committee on Military Affairs, who incloses for information, &c., S. 1293, Forty-seventh Congress, first session, "to provide for the disposition of the Fort Wilkins military reservation, at Copper Harbor, in the State of Michigan," referred to this office for report, and to state as follows:

PLOT OF MILITARY RESERVATION

DECLARED BY THE PRESIDENT APRIL 11. 1859. EMBRACING COAL-MINES ON SULPHUR-CREEK. WYOMING.

AREA OF RESERVATION 99 17/100 ACRES.

Traced from official copy of the township plot.



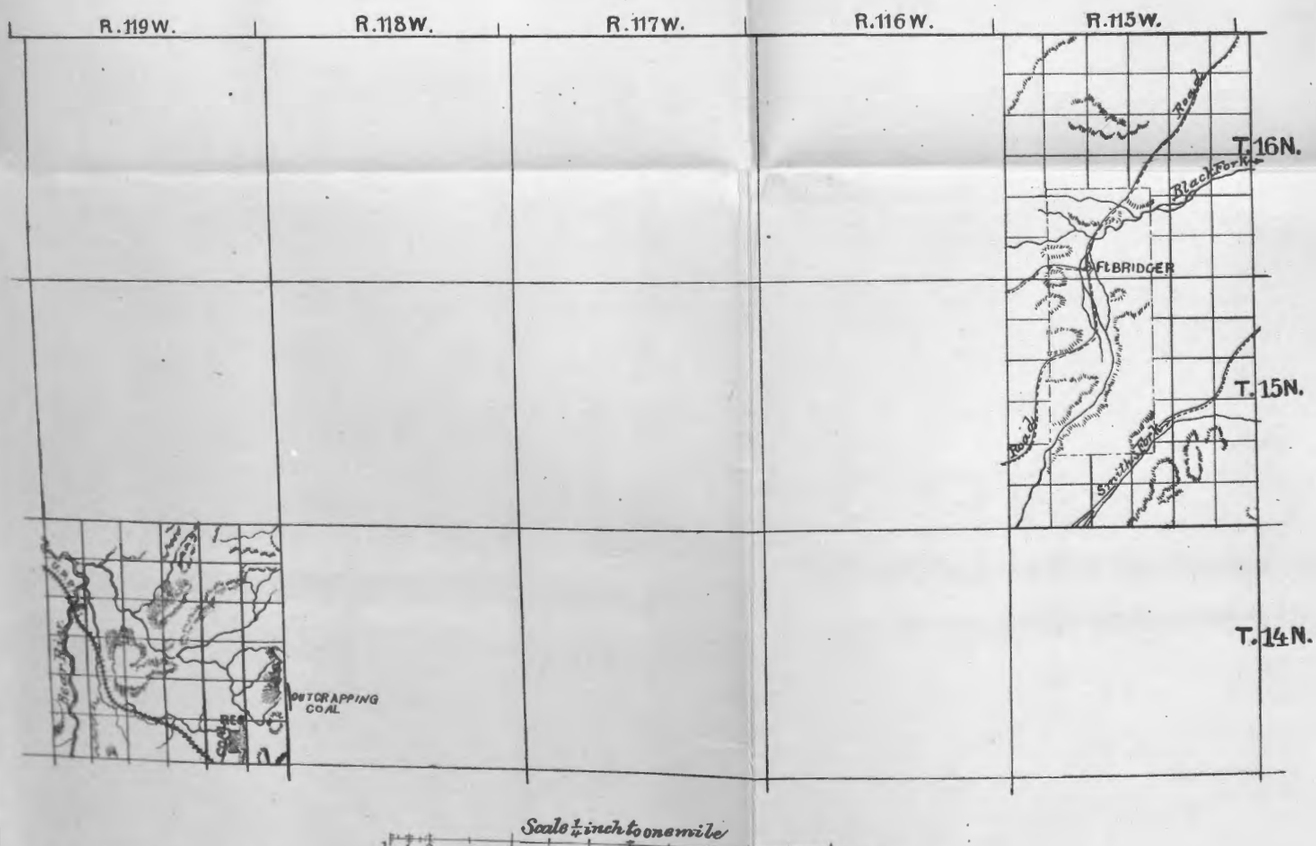
TOWNSHIP 13 NORTH.

RANGE 119 WEST OF THE 6th PRINCL MERIDIAN.

Scale 2 inches to one mile.

1 MILE.

PLOT SHOWING LOCATION OF RESERVATION RELATIVE TO FORT BRIDGER.



Scale 1/2 inch to one mile.

10 MILES

S. EX. 25, 1, 48.

Headqrs. Dept. of the Platte
Engineer Office
Ft. Omaha Neb. Jany. 26/81.
Transmitted to the Adjutant General of the Dept. with indorsement of this date
(Sd) W. L. Stanton
Captain of Engineers
Chief Engr. of Dept

Sec. 6 | Sec. 5 | Sec. 4 | Sec. 3 | Sec. 2 | Sec. 1

Sec. 7 | Sec. 8 | Sec. 9 | Sec. 10 | Sec. 11 | Sec. 12

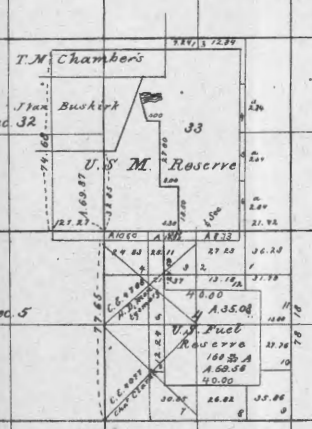
Sec. 18 | Sec. 17 | Sec. 16 | Sec. 15 | Sec. 14 | Sec. 13

T. 20 N. R. 2 E. W. M.

Sec. 19 | Sec. 20 | Sec. 21 | Sec. 22 | Sec. 23 | Sec. 24

Sec. 30 | Sec. 29 | Sec. 28 | Sec. 27 | Sec. 26 | Sec. 25

Sec. 31 | Sec. 32 | Sec. 34 | Sec. 35 | Sec. 36



Sec. 6 | Sec. 5 | Sec. 4 | Sec. 3 | Sec. 2 | Sec. 1

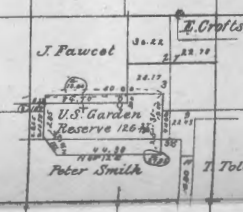
Sec. 7 | Sec. 8 | Sec. 9 | Sec. 10 | Sec. 11 | Sec. 12

Sec. 18 | Sec. 17 | Sec. 16 | Sec. 15 | Sec. 14 | Sec. 13

T. 19 N. R. 2 E. W. M.

Sec. 19 | Sec. 20 | Sec. 21 | Sec. 22 | Sec. 23 | Sec. 24

Sec. 6 | Sec. 5 | Sec. 4 | Sec. 3 | Sec. 2 | Sec. 1



Sec. 7 | Sec. 9 | Sec. 10 | Sec. 11 | Sec. 12

Sec. 18 | Sec. 17 | Sec. 16 | Sec. 15 | Sec. 14 | Sec. 13

T. 19 N. R. 3 E. W. M.

Sec. 19 | Sec. 20 | Sec. 21 | Sec. 22 | Sec. 23 | Sec. 24

S. EX. 25, 1, 48.

Platte River

1320 feet

5114 feet

5114 feet.

6 Acres

4400 feet.

107 Acres

440 feet

440 feet.

Reservation.

National Cemetery

Road to McPherson Station

800 feet

N. 12° E

S

Scale : 400 feet to 1 in.

400 0 400 800 1200 1600 2000 ft

Made in Office of Chief of Engineer Jany 16. 1882.

S. EX. 25, 1, 48.

The post of Fort Wilkins was established May 28, 1844. It is located on Lake Superior, at Copper Mine Harbor, 10 miles from Keweenaw Point. The military reservation declared thereat by executive order dated August 19, 1853, embraces lots 2 and 3 of section 33, and lot 5 of section 34, township 59 north, range 28 west, Michigan, the area being about 320 acres.

The surface is reported as level and the soil as rocky and unproductive, the only productions being copper and an abundance of hard wood, which, however, is not of a desirable quality for building purposes. The climate is mild in summer, but in winter is liable to extremes of temperature, the average being 41° F. The locality is very healthy.

The post was abandoned in 1870, the troops having been withdrawn August 30 of that year, since which time it has been unoccupied for military purposes, the buildings at present being in charge of a keeper, Mr. William Frisise, of Copper Harbor, appointed by the Quartermaster's Department, his compensation consisting of free occupancy of one of the buildings.

The following is a list of the buildings at the post in 1870, taken from "Descriptions of Military Posts and Stations," published in 1872:

Three buildings, officers' quarters, containing seven sets, log and frame.

Two buildings, men's barracks, 65 by 21 feet; two kitchens, with mess-rooms, 28½ by 21 feet; log and frame.

Four buildings, 30 by 17½ feet, log and frame.

One two-story frame storehouse, 47 by 24 feet.

One log building used for storage, 30½ by 23½ feet.

One one-story log and frame hospital, 33 by 22 feet.

One guard-house, log and frame, 25 by 31 feet.

One stable, log, 39 by 24 feet.

One bake-house, 24 by 19½ feet.

One magazine, stone, arched, 13½ by 13 feet.

One ice-house, 16 by 13½ feet.

The population of Keweenaw County, in which Fort Wilkins is situated, is, according to the last census, 4,270.

The nearest town is Copper Harbor, with a population (according to Rand & McNally's Atlas) of 75, and distant 1½ miles from the post.

Eagle River, about 25 miles distant, has (according to Rand & McNally) a population of 500.

The post being located on the extreme northern point of the Northern Peninsula of Michigan, the country surrounding it is not thickly settled.

In July, 1870, the commanding officer reported that "the garrison is completely isolated from the outside world from early in November until late in April, and sometimes until late in May, during which time navigation ceases, and then the only communication is by mail carried by men on snow-shoes." Since that date, however, as indicated by the latest railroad guides and maps, the railroad system has been extended to L'Anse, on the Keweenaw Bay, a distance of 60 miles from Fort Wilkins, and the post can be reached at all seasons by daily line of stages from L'Anse (or steamers when navigation is open) to the copper regions.

The military reservation of Fort Wilkins (with others) was reported to the present Congress as no longer desired for military purposes, with recommendation of the department that authority be granted to dispose of the same. (*Vide* H. Ex. Doc. No. 39, Forty-seventh Congress, first session; also bill H. R. 4322, identical with bill S. 1293.)

Upon reference to the department commander and the Quartermaster-General, no additional information has been obtained upon the subject of Senator Cockrell's communication.

I have the honor to be, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

Hon. SECRETARY OF WAR.

The following is the history and description given in H. Ex. Doc. No. 39, Forty-seventh Congress, first session, page 42:

FORT WILKINS, MICH.

Post established May 28, 1884.

Located on Lake Superior, at Copper Mine Harbor, 10 miles from Keweenaw Point.

Reservation declared by the President August 19, 1853, embracing lots 2 and 3 of section 33 and lot 5 of section 34, township 59 north, range 28 west, Michigan.

Post directed to be discontinued by Special Order 90, Department of the Lakes, August 15, 1870, and troops withdrawn August 30, 1870.

The Secretary of War recommended to Congress relinquishment of the reservation in letter December 20, 1870, to House of Representatives, and in letter to same body

dated March 5, 1874, he called attention to former letter, and recommended that authority be granted to dispose of the reserve. (*Vide* H. Ex. Doc. No. 176, Forty-third Congress, first session.)

In letter of May 25, 1874, the Secretary of War transmitted to the House of Representatives, for the information of the Committee on Military Affairs, in compliance with a request of said committee, a copy of report of General Hancock in regard to the quantity of land, and the value of buildings thereon, included in the reservation. The buildings are in charge of an agent appointed by the Quartermaster's Department. They are of log and frame, and not of any great value.

The reservation is wholly abandoned, and is not and will not be any longer needed for any military purposes, and nothing will be gained by maintaining it. Your committee recommend certain amendments to said bill, and, as so amended, recommend its passage.

WAR DEPARTMENT,
Washington City, September 14, 1883.

SIR: In connection with previous correspondence touching the subject of timber trespass upon the Fort Cameron military reservation in Utah Territory.

* * * * * * *

In this connection I beg to inquire, with reference to military reservations that have been declared by the President and which require the authority of Congress for their formal transfer to your Department for disposition under the general land laws, whether it would not be advisable, after the buildings on such reservations have been sold or otherwise disposed of and the troops withdrawn, to transfer the reservations to the temporary custody of your Department, so that trespass thereon may be prevented, as this Department has no means of protecting the reservations from trespass after the withdrawal therefrom of the troops.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

The Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, October 1, 1883.

SIR: Referring to the matter of timber trespass on Fort Cameron military reservation in Utah, I have the honor to acknowledge the receipt of yours of the 14th ultimo in reply to my letter of the 30th ultimo, and beg to state that the Commissioner of the General Land Office is of the opinion that the course proposed by you with reference to military reservations that have been declared by the President and which require the authority of Congress for their formal transfer to this Department for disposition under the General Land Office would be for the best interests of the Government.

My own view is that this Department should take the same steps to protect the timber on reservations of the kind described by you as on the public lands of the United States. There is no appropriation at the service of this Department for the direct purpose of caring for and protecting reservations abandoned by the military; but there is an appropriation for the protection of timber on Government lands, and there is every reason why this should be made applicable to the protection of the timber on abandoned military reservations and for the investigation of trespasses committed thereon.

The Commissioner of the General Land Office will be instructed to extend his protection over such abandoned military reservations as may be reported from time to time by your Department to this.

Very respectfully,

H. M. TELLER,
Secretary.

Hon. ROBERT T. LINCOLN,
Secretary of War.

[Inclosure.]

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., September, 1883.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, of a letter from the honorable Secretary of War touching the subject of timber trespass upon the Fort Cameron military reservation in Utah Territory inquiring as follows:

"In this connection I beg to inquire, with reference to military reservations that

have been declared by the President and which require the authority of Congress for the formal transfer to your Department for disposition under the general land laws, whether it would not be advisable, after the buildings on such reservations have been sold or otherwise disposed of and the troops withdrawn, to transfer the reservations to the temporary custody of your Department so that trespass thereon may be prevented, as this Department has no means of protecting the reservations from trespass after the withdrawal therefrom of the troops."

Touching the above suggestion, I have the honor to state that the course proposed by the honorable Secretary of War would seem to me to be for the interests of the Government.

The letter from the honorable Secretary of War is herewith returned.

Very respectfully, your obedient servant,

N. C. McFARLAND,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

[Senate Ex. Doc. No. 45, Forty-seventh Congress, second session.]

Message from the President of the United States, transmitting a letter from the Secretary of War, of 18th instant, inclosing an extract copy of report of the Adjutant-General respecting the military reservation of Fort Cameron, Utah, recommending the disposal of the same.

January 19, 1883.—Read and referred to the Committee on Military Affairs and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication from the Secretary of War, dated the 18th instant, inclosing an extract copy of the report of the Adjutant-General respecting the military reservation of Fort Cameron, Utah, and recommending that authority be granted during the present session of Congress for the disposal of said reservation, it being no longer needed for military purposes.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
January 19, 1883.

WAR DAPARTMENT,
Washington City, January 18, 1883.

SIR: I have the honor to inclose herewith, with request for its transmission to Congress, an extract copy of a report of the Adjutant-General of the Army, dated January 12 ,1883, respecting the military reservation (including the wood and timber reservation) of Fort Cameron, Utah.

This reservation being no longer needed for military purpose, and its absolute and formal abandonment on May 1, 1883, having already been ordered, it is respectfully recommended that authority be granted during the present session of Congress to dispose of the reservation by transfer to the custody of the Secretary of the Interior, or for such other disposition as may be deemed to be for the best interest of the United States.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War.

The PRESIDENT.

[Extract.]

*Report in the matter of the posts of * * * Fort Cameron, Utah, and the military reservations connected therewith.*

FORT CAMERON, UTAH.

This post was established May 25, 1872, as "Post near Beaver City"; name changed to Fort Cameron by General Orders No. 71 of 1874, Adjutant-General's Office. It is located on the right bank of Beaver River, about three miles east of Beaver City, in Southern Utah, about 38 miles east of Milford Station, on the Utah Southern Railroad, and has quarters for four companies of infantry.

A military reservation was declared at the post by President's order, dated May 12, 1873, with an area of about 2¾ square miles; enlarged by President's order, dated

April 13, 1877, to an area of 15 square miles, with boundaries as announced in the following order:

[General Orders No. 11.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebr., April 25, 1877.

By authority of the President of the United States and in compliance with the instructions from Headquarters of the Army, dated April 17, 1877, the military reservation of Fort Cameron, Utah, formerly designated "Post near Beaver City, U. T.," announced in General Orders No. 6, series of 1873, from these headquarters, enlarged by Executive order of April 13, 1877, is hereby designated as follows:

The initial point of the survey is the southwest corner of section twenty-three (23), township twenty-nine (29) south, range seven (7) west from Salt Lake meridian.

The boundary is described as follows:

Beginning at the initial point and running north two (2) miles to the northwest corner of section fourteen (14), township twenty-nine (29) south, range seven (7) west; thence east six (6) miles; thence south two and one-half ($2\frac{1}{2}$) miles; thence west six (6) miles to one-quarter corner between sections twenty-six (26) and twenty-seven (27), township twenty-nine (29) south, range seven (7) west; thence north one-half ($\frac{1}{2}$) mile to the point of beginning.

Posts five (5) inches square and five (5) feet high, branded U. S. M. R., will be placed to mark the boundary at suitable points.

The bearings as given are true.

Area included is fifteen (15) square miles.

The geographical position of Fort Cameron is

Latitude: 38° 16′ 40″.59; longitude: 112° 36′ 20″.52 west of Greenwich.

By command of Brigadier-General Crook:

ROBERT WILLIAMS,
Assistant Adjutant-General.

A *wood and timber reservation* (being a virtual extension of the post reservation) was declared for use of the post by President's order dated November 10, 1879, embracing an area of $21\frac{3}{5}\frac{8}{1}\frac{8}{0}$ square miles, with boundaries as announced in the following order:

[General Orders No. 27.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Fort Omaha, Nebr., November 26, 1879.

In compliance with instructions from the Headquarters of the Army, dated the 14th instant, a military reservation for wood and timber for use of the post of Fort Cameron, Utah Territory, declared by Executive order of November 10, 1879, is announced for the information of all concerned, with boundaries described as follows:

Beginning at a point on the south boundary, one mile and three thousand nine hundred and forty-three (3,943) feet east of the southwest corner of the military reservation of Fort Cameron, Utah, as enlarged by Executive order of April 13, 1877, and announced in General Orders No. 11, April 25, 1877, from headquarters Department of the Platte, and running thence south two (2) miles and one thousand five hundred and forty (1,540) feet; thence south 69° 30′ east one thousand three hundred and seven (1,307) feet to the left (south) bank of Birch Creek; thence following and meandering said left bank of said Birch Creek and the left (southeast) bank of its northernmost branch (successively in a southeasterly, easterly, and northeasterly direction) seven and one-half ($7\frac{1}{2}$) miles to Rocky Butte near its source; thence north three and three-quarters ($3\frac{3}{4}$) miles to Rocky Mountain on right bank of Beaver River at Upper Narrows; thence west two (2) miles and one hundred and fifty (150) feet to the eastern boundary of the said military reservation; thence south following said eastern boundary one (1) mile and four thousand three hundred and twenty (4,320) feet to the southeast corner of said military reservation; thence west following the south boundary of said military reservation four (4) miles and one thousand three hundered and thirty-seven (1,337) feet to the point of beginning.

The courses are true and run with a magnetic variation of 16° 05′ east as determined by the United States land survey in December, 1869.

The area is $21\frac{3}{5}\frac{8}{1}\frac{8}{0}$ square miles.

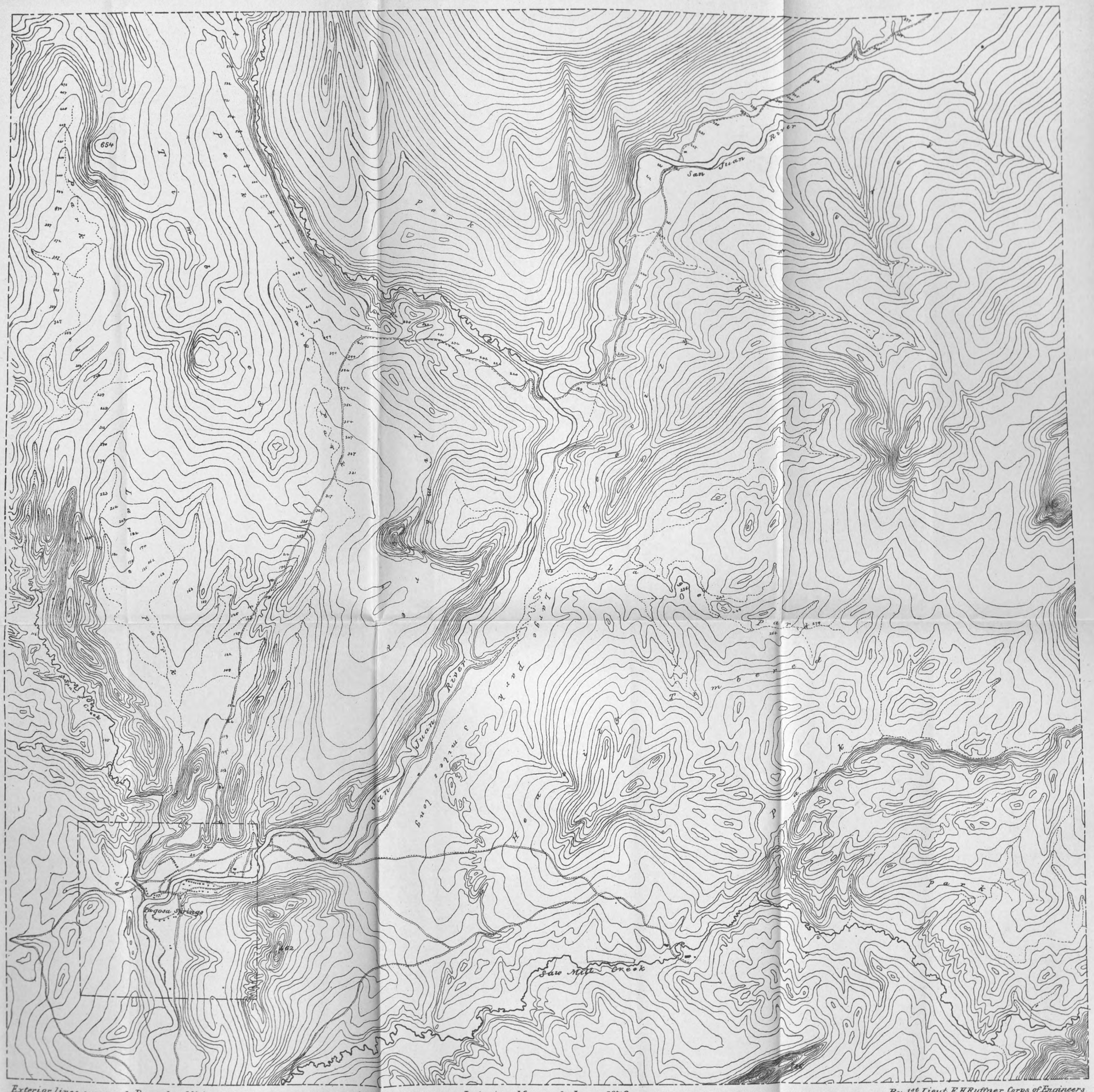
Latitude of Fort Cameron 38° 16′ 40″.59. Longitude, 112° 36′ 20″.52 west from Greenwich.

Posts five (5) inches square and five (5) feet high, branded U. S. M. W. & T. R., will be placed to mark the boundaries of the reservation at suitable points.

By command of Brigadier-General Crook:

ROBERT WILLIAMS,
Assistant Adjutant-General.

U.S. MILITARY RESERVATION AT PAGOSA SPRS, COLORADO.



Exterior lines surveyed December 1878

S. EX. 25, 1, 48.

Interior May and June, 1879

Scale, 8 Inches = 1 Mile.

By 1st Lieut. E.H. Ruffner, Corps of Engineers

Chief Engineer Department of the Missouri.

T 25 S. R 24 W.

T25 S. R23 W.

T26 S. R.25 W.

T26 S. R.24 W.

T26S R23W

T 27 S. R.24 W.

Sec.3 81.88 | Sec.2 76.64 | Sec.1 70.84 | Sec.6. 64.60

Sec.6 621.05 | Sec.5 641.04 | Sec.4 412.81 | Sec.5 452.75 | Sec.4 639.84

Sec.7 621.60 | Sec.8 | Sec.9 280.10 | Sec.8 448.28 | Sec.9

Sec.18 629.92 | Sec.17 | Sec.16 283.36 | Sec.17 462.68 | Sec.16

Sec.19 632.24 | Sec.20 | Sec.21 294.08 | Sec.20 472.88 | Sec.21

Sec.30 636.96 | Sec.29 | Sec.28 304.72 | Sec.29 481.60 | Sec.28

Sec.31 639.36 | Sec.32 | Sec.33 315.52 | Sec.32 492.60 | Sec.33

Sec.6 735.61 | Sec.5 622.18 | Sec.5 807.14

Sec.7 628.32 | Sec.8 538.84 | Sec.8 275.00

Sec.18 618.16 | Sec.17 551.20 | Sec.17 269.44

Sec.19 611.20 | Sec.20 558.60 | Sec.20 266.74

Sec.26 590.79 | Sec.25 475.20 | Sec.30 445.79 | Sec.29 402.70 | Sec.30 346.65 | Sec.29 609.32

Sec.35 450.91 | Sec.36 207.20 | Sec.31 431.78 | Sec.32 639.69 | Sec.33 640 | Sec.34 640 | Sec.35 640 | Sec.36 640 | Sec.31 373.20 | Sec.32

Sec.6 | Sec.5 144.36 | Sec.4 327.60 | Sec.3 310.33 | Sec.2 610.12 | Sec.1 640.40 | Sec.6 379.64 | Sec.5 641.52

Sec.11 | Sec.12 320.96 | Sec.7 211.47 | Sec.8 628.06

Boundary of Fort Dodge Mil. Res.

North boundary of Osage land

Areas of Osage lands within Mil. Res. figured in blue.

Depot Grounds of the Atchinson, Topeka & Santa Fe R.R.

A.T. & S.F.R.R.

Arkansas River

FORT DODGE

S. Br. Pawnee Fork

S. Br. of Pawnee Fork

S. EX. 25, 1, 48.

18/2/82

PROPOSED RESERVATION FOR POST.
for
FORT THORNBURGH.
UTAH.

EXCEPTED LANDS

In Tp. 3 South R. 20. E. all of Sec. 36. School Section

In Tp. 4. S. R. 21. E.

The N.$^{1}_{2}$ of the S.W.^{4} and S.E.^{4} of N.W.^{4} Section. 5.

The E.$^{1}_{2}$ of the N.E.^{4} and E.$^{1}_{2}$ of S.E.^{4} Section. 7.

The West $^{1}_{2}$ of the N.W.^{4} of Section. 8.

BOUNDARY OF RESERVATION. Set apart by Ex. Order of May. 12. 1883.

Boundary as originally recommended.

SEC. 26. SEC. 25.

Rough and Impassable.

Deep Ravines and

SEC. 35. SEC. 36.

Hills covered with Cedars.

School Section Excepted

Range 20. East.

Township 35.

Township. 45.

SEC. 6

Excepted

CAMP

Sage Brush

SEC. 7

Excepted

Excepted

SEC. 8.

Excepted

Range 21. East.

Var. 15° 36' E.

Scale 2. Inches to one mile.

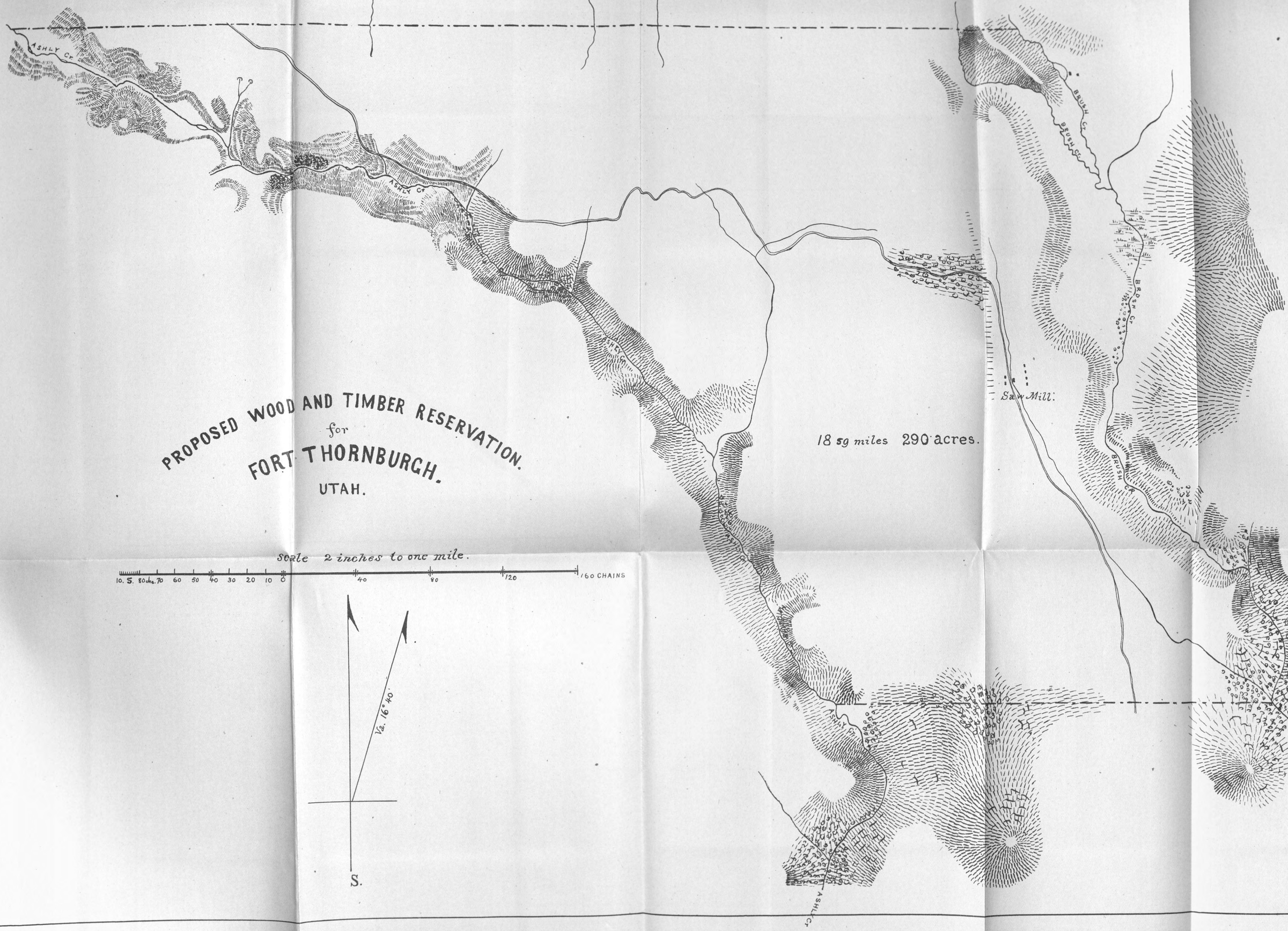
40 0 40 80 120 160 CHAINS

Traced. A. G. O. Dec. 10/83.

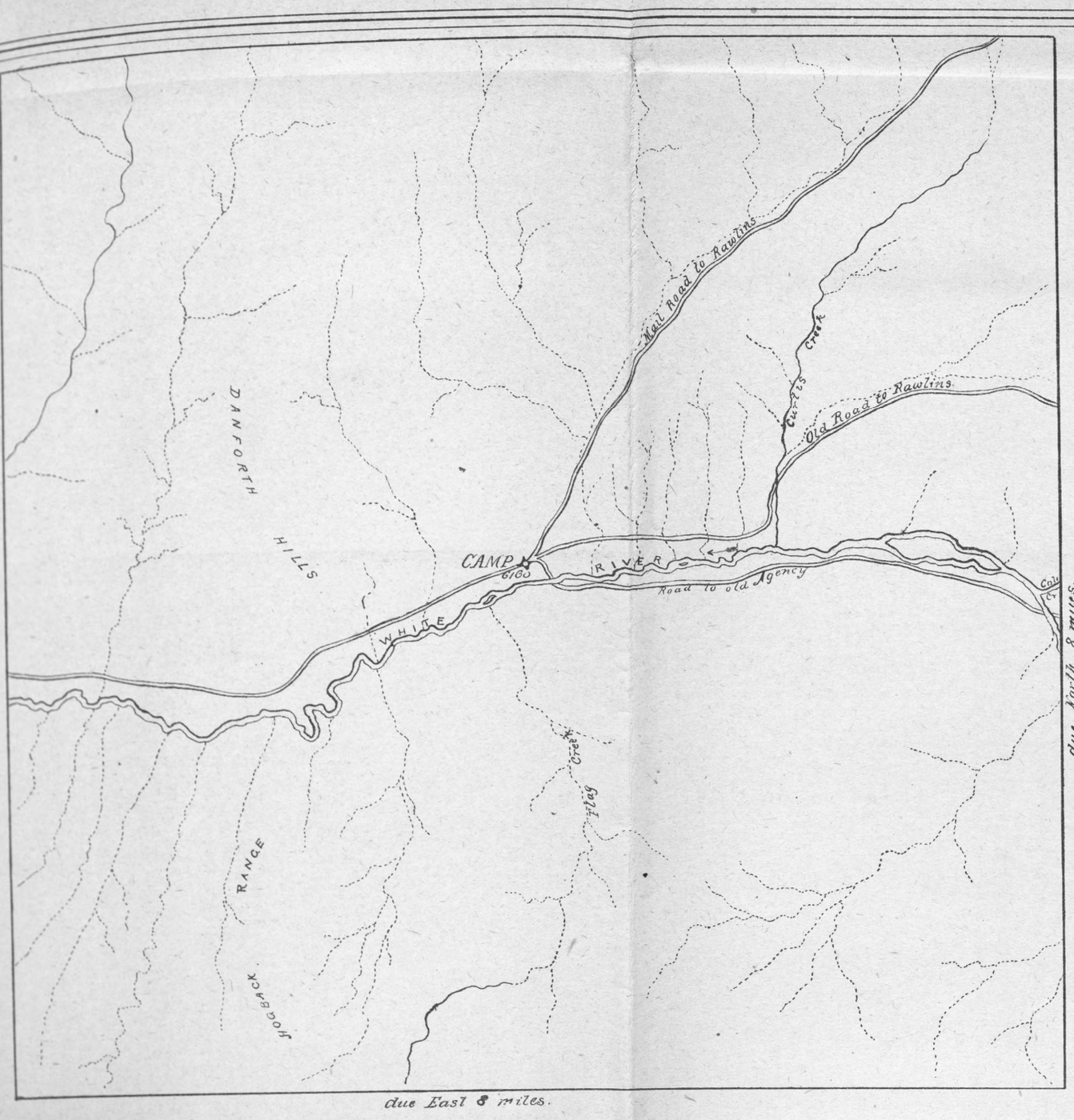
S. EX. 25, 1, 48.

15 square miles 441 acres.

PROPOSED WOOD AND TIMBER RESERVATION.
for
FORT THORNBURGH.
UTAH.



S. EX. 25, 1, 48.

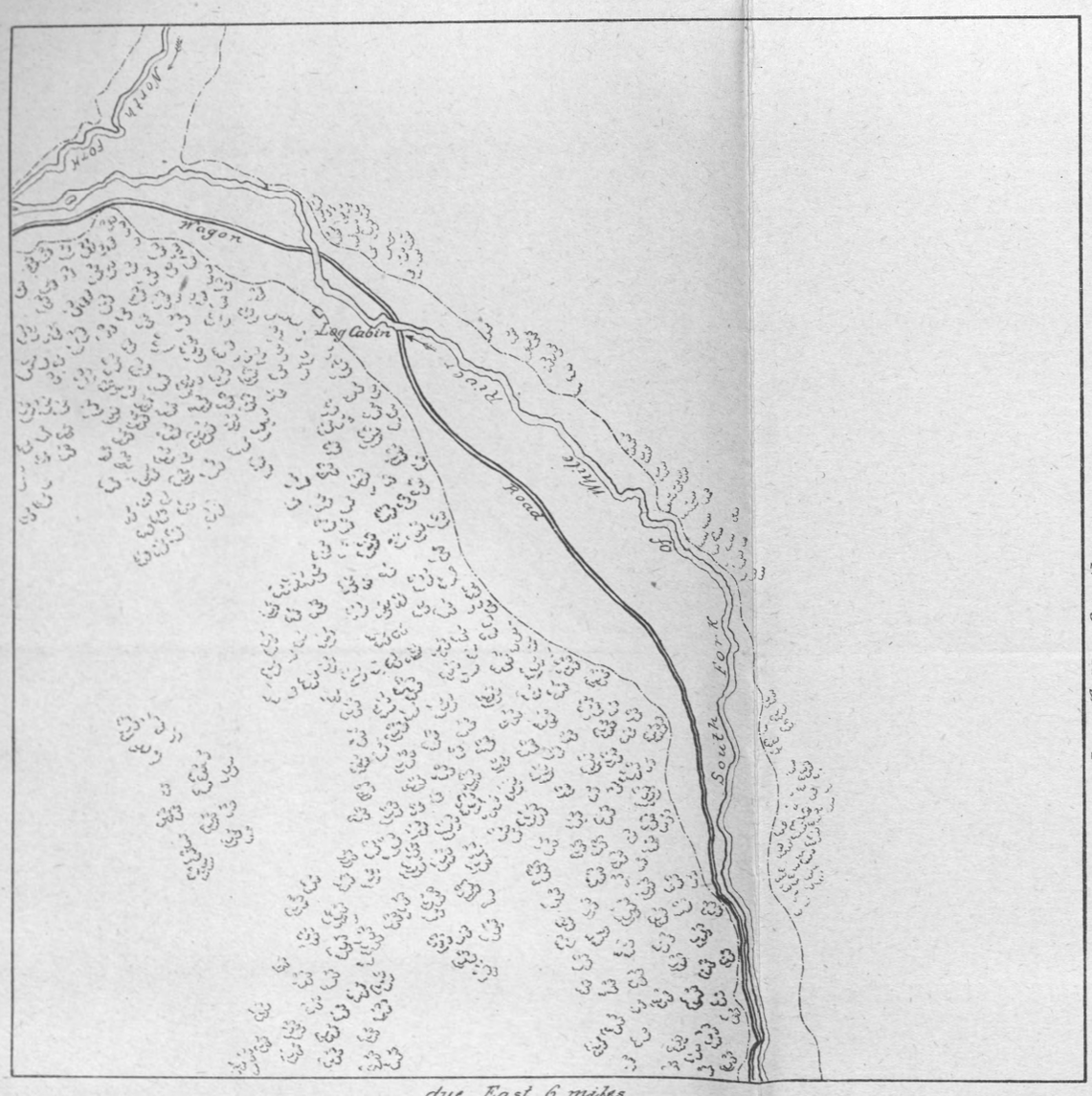


due East 8 miles.

due North 8 miles

Military Reservation

Scale
3½ inches = 1 mile.



due East 6 miles

due North 6 miles

Proposed Timber Reservation.

Scale
4 inches = 1 mile.

MAP OF THE POST,
MILITARY RESERVATION AND
PROPOSED TIMBER RESERVATION
AT
CAMP ON WHITE RIVER, COL.

Prepared under the direction of

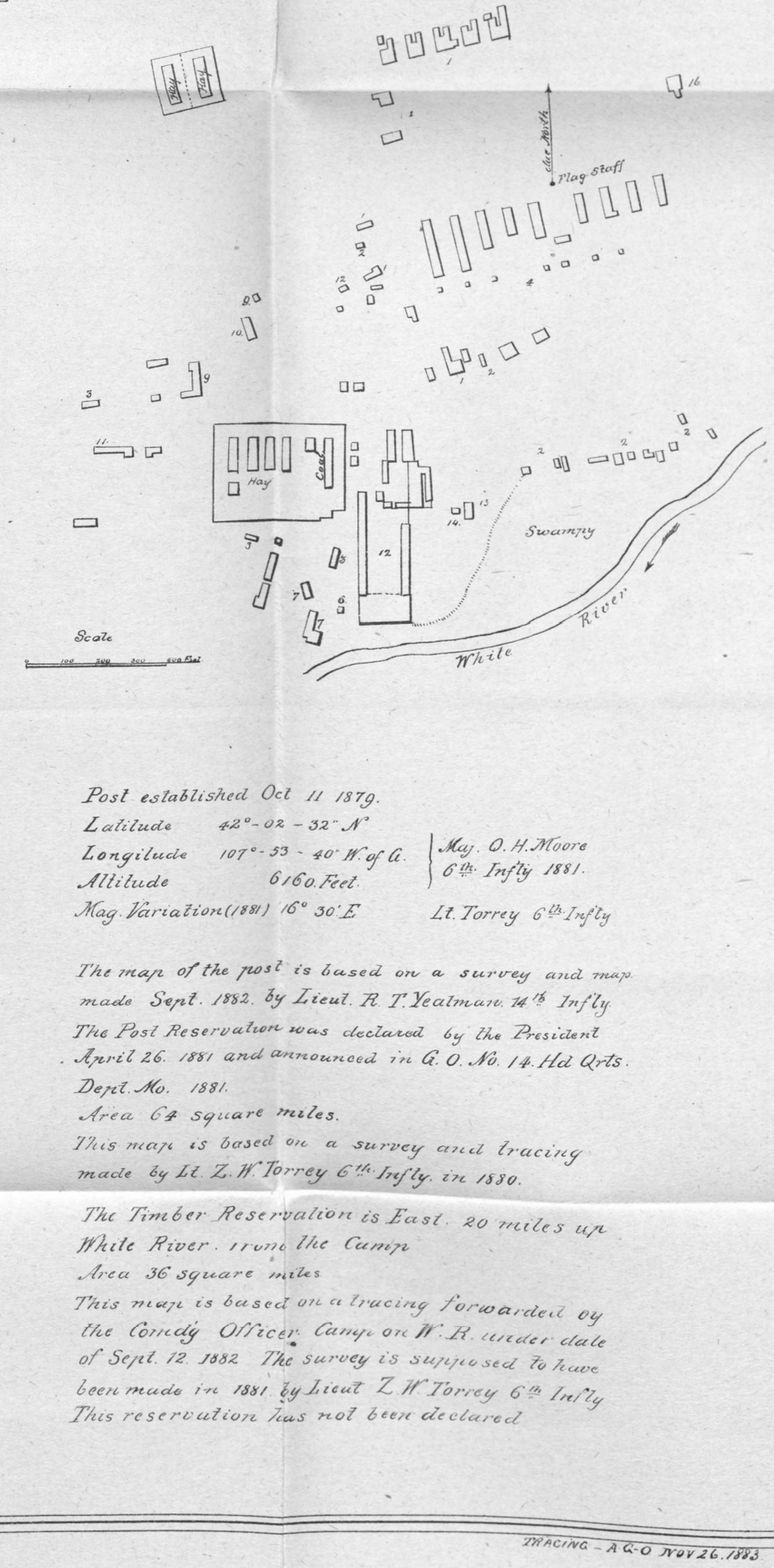
1st Lieut. T.N. BAILEY. Corps of Eng'rs.

Chief Engineer. Dept. Mo.

September 1882.

Post.

1. Officer's Quarters.
2. Men's "
3. Employees' "
4. Sinks
5. Cellars
6. Storehouses
7. Shops.
8. Trader's Store.
9. Trader's Store
10. " dwelling
11. Post Office.
12. Stables.
13. Ice House.
14. Butcher Shop.
15. Old Hospital.
16. New "



Post established Oct 11 1879.

Latitude	*42°-02-32" N*	
Longitude	*107°-53-40" W of G.*	*Maj. O.H. Moore 6th Infty 1881.*
Altitude	*6160 Feet.*	
Mag. Variation (1881)	*16° 30' E*	*Lt. Torrey 6th Infty*

The map of the post is based on a survey and map made Sept. 1882. by Lieut. R. T. Yealman. 14th Infty

The Post Reservation was declared by the President April 26. 1881 and announced in G.O. No. 14. Hd Qrts. Dept. Mo. 1881.

Area 64 square miles.

This map is based on a survey and tracing made by Lt. Z.W. Torrey 6th Infty. in 1880.

The Timber Reservation is East. 20 miles up White River. from the Camp

Area 36 square miles

This map is based on a tracing forwarded by the Comdg Officer Camp on W.R. under date of Sept. 12. 1882 The survey is supposed to have been made in 1881 by Lieut Z.W. Torrey 6th Infty

This reservation has not been declared

OFFICE OF THE CHIEF ENGR. DEPT. OF MO. TRACING NO. 86. SEPT. 22. 1882.

TRACING - A.G.O NOV 26. 1883

S. EX. 25, 1, 48.

II.

MAP
OF
THE MILITARY RESERVATION
AT
FORT YUMA
CALIFORNIA

Drawn under the direction of
Geo. M. Wheeler
Corps of Engineers

March 1869

Geo. R. Turner, J. R. Mauran } Civil Engineers Assistants

LEGEND.

AREA 5224.50 ACRES.
LATITUDE 32° 43' 32.5" } DETERMINATION OF Mexican Boundary Commission.
LONGITUDE 114° 36' 09.9" }
ALTITUDE 200 FEET. (Lieut Ives Report)
VARIATION 11° 25' OF EAST. Determined by Obs'n. Summer Months 1869

Scale 1 inch to 20 chains

Traversing

Stations	Course	Distance
From I to II	North.	252.00 Chains
" II. III	East.	46.50 " (by calculation)
" III. I	Along the Bank & Left Bank of River	

From the Flag staff at the Garrison to Corner I. S. 81° 30' W. 80.89 Chains

Approved & recommended
E. O. C. Ord
Brig't & Brev. Maj. General Commanding.

Note, The Reserve at the Ferry commences at a point 20 feet West of the Ferry Staff on the South side of the Colorado thence South 200 feet, thence East to the Gila River, and was surveyed, under the direction of Lieut Geo. M. Wheeler U.S. Engineer, by Geo. R. Turner C.E. Assistant from the description in Letter of 11th Nov. 1868 from Genl. McDowell, Com'd'g Post & Lieut Col. R.N. Scott A.A.G.

The Reserve on the North side of the River was surveyed by John B. Hyatt, Sergt. Comp. I 3rd U.S. Infty Oct. 1868 but was afterwards reduced to its present dimensions, see description in Letter referred to above.

J.R. Mauran. Del

A true & accurate copy of the original Maps on file in this Office.
Engineer Office Headq'rs Dept. California.
Geo. M. Wheeler
Lieut of Engineers

Sec. 11. Sec. 12. Sec. 13. Sec. 24. Sec. 7. Sec. 8. Sec. 9. Sec. 10. Sec. 14. Sec. 17. Sec. 16. Sec. 15.

NOTE. The lines of the Colorado River and also the Section Lines as shown on this Map were taken from the map in the Surveyor General's Office of the Subdivision of Township 16 South, Ranges 22 and 23 East. San Bernardino Meridian.

East 446.50 Chains (by calculation)

Old Waterish House

Indian Village of Pilcos

Old Indian Field

Overflowed

Subject to Overflow

Road to San Diego

Road to Fort Yuma

Fort Yuma

Colorado City

Old United States & Mexican boundary

DIAGRAM OF POST.

Scale One inch to 40 chains

Surveyed in 1868, under the direction of
By J.R. Mauran, Civil Engr. Assistant. Capt. of Eng'rs

PARADE.
Commandant.
Officers Quarters
Adjutant's Office
Sutler's Store
Barracks
Bakery
Guard House
Commissary & Quartermaster
Hospital
Dead House
Sutler's Store
Old Q.M. Stores
Corral.
Old Work Shops
Ferry House
Ferry Corral
SINK.

DIAGRAM OF U.S. DEPOT.

Scale One inch to four chains.

Note. 1. This Diagram is plotted from the Field notes and Map furnished by A. P. Stidham C.E. who surveyed the Reservation to South side of the River in Oct. 1866 by order of Brig. Gen. Hallleck, Mon. Dist. Commander.

2. The Line I. II. was surveyed under the direction of Lieut Geo. M. Wheeler U.S. Engineers by Geo. R. Turner C.E. Assistant, from description in Letter of 12th Nov. 1868 from Genl. McDowell, Comdg Dept. to Lieut Col. R.N. Scott, A.A.G.

J.R. Mauran, C.E. Draughtsman

COLORADO RIVER.

Capt. Pilsons

Officers Quarters

Commissary

U.S. Q.M. Stables

Water Gate

Chiefs Pilsons

CORRAL.

Stables for 25 Horses

Gila St.

Old Boundary Line between the United States and Mexico

S. 84° 30' W. 26.33 Chains.

It is in dispute whether either of the 2 Islands South of the Colorado has been properly included in the Reservation of Ft. Yuma. Plat of Yuma Depot Res. as the Same was rec'd Sept. 1871 from Ft. Yuma.

TRACED. A.G.O. DEC. 26. 1882

S. EX. 25, 1, 48.

The combined area of the two reservations is 23,378 acres.

Under date of December 11, 1882, the Lieutenant-General reported that the post would require about $10,000 for repairs sufficient to place it in good condition; that for any purely military purposes it is not required, as troops can be sent from Salt Lake to Milford in a few hours, and he therefore recommended that it be abandoned May 1, 1883.

Upon the further recommendation of the Lieutenant-General, concurred in by the General of the Army, the Secretary of War on December 16, 1882, directed the absolute abandonment of the post on May 1, 1883, the removal of the garrison and stores to Fort Douglas, the sale of the houses, and that the military reservations be reported for the action of Congress at its present session. The Lieutenant-General was advised accordingly by letter of December 20, 1882, from this office.

Respectfully submitted.

R. C. DRUM,
Adjutant-General.

ADJUTANT-GENERAL'S OFFICE, *January* 12, 1883.

O